

*State of Iowa*

# **Iowa**

# **Administrative**

# **Code**

# **Supplement**

Biweekly  
December 27, 2023



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Published by the  
STATE OF IOWA  
UNDER AUTHORITY OF IOWA CODE SECTION 17A.6

The Iowa Administrative Code (IAC) Supplement is published biweekly pursuant to Iowa Code sections 2B.5A and 17A.6. The Supplement is a compilation of updated Iowa Administrative Code chapters that reflect rule changes which have been adopted by agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17, 17A.4, and 17A.5 and published in the Iowa Administrative Bulletin bearing the same publication date as the one for this Supplement. To determine the specific changes to the rules, refer to the Iowa Administrative Bulletin. To maintain a loose-leaf set of the IAC, insert the chapters according to the instructions included in the Supplement.

In addition to the rule changes adopted by agencies, the chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay or suspension imposed by the ARRC pursuant to section 17A.8(9) or 17A.8(10); rescission of a rule by the Governor pursuant to section 17A.4(8); nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa; other action relating to rules enacted by the General Assembly; updated chapters for the Uniform Rules on Agency Procedure; or an editorial change to a rule by the Administrative Code Editor pursuant to Iowa Code section 2B.13(2).

# **INSTRUCTIONS**

## **FOR UPDATING THE**

### **IOWA ADMINISTRATIVE CODE**

Agency names and numbers in bold below correspond to the divider tabs in the IAC binders. New and replacement chapters included in this Supplement are listed below. Carefully remove and insert chapters accordingly.

Editor's telephone 515.281.3355 or 515.242.6873

#### **Education Department[281]**

Replace Analysis

Replace Chapters 1 to 4

Replace Chapters 6 and 7

Replace Chapter 16

Replace Chapter 18

Replace Chapter 33

Remove Chapters 51 and 52, Reserved Chapters 53 to 57, and Chapters 58 to 60

Insert Chapter 51, Reserved Chapters 52 to 57, and Chapters 58 to 60

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**EDUCATION DEPARTMENT[281]**

Created by 1986 Iowa Acts, chapter 1245, section 1401.  
Prior to 9/7/88, see Public Instruction Department[670]  
(Replacement pages for 9/7/88 published in 9/21/88 IAC)

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TITLE I  
GENERAL INFORMATION—  
DEPARTMENT OPERATIONS

CHAPTER 1  
ORGANIZATION AND OPERATION

[Prior to 9/7/88, see Public Instruction Department[670] Ch 49]

**281—1.1(17A,256) State board of education.** The state board of education, authorized by Iowa Code chapter 256, is the governing and policy-forming body for the department of education.

**1.1(1) Membership.** The state board's membership is governed by Iowa Code sections 256.3 and 256.4.

**1.1(2) Meetings.** The board's meetings are governed by Iowa Code section 256.6. The majority of the board's meetings are held in the State Board Room, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319. By notice of the regularly published meeting agenda, the board may hold meetings in other areas of the state. The board may hold special meetings as provided in Iowa Code section 256.6.

**1.1(3) Compensation.** All voting members will receive compensation and reimbursement as provided in Iowa Code section 256.5. A student member will receive compensation pursuant to Iowa Code section 256.5A(6). If a student member's parent or guardian provides supervision pursuant to subrule 1.2(4), the parent or guardian will receive necessary expenses but not a per diem.

**1.1(4) Other boards.** The Iowa board of educational examiners and the Iowa college student aid commission have rulemaking authority, the rules of which are codified under agency numbers 282 and 283, respectively.

[ARC 7418C, IAB 12/27/23, effective 1/31/24]

**281—1.2(17A,256) Student member of the state board of education.** The governor will appoint a public high school student to serve as a nonvoting member of the state board of education pursuant to Iowa Code section 256.5A.

**1.2(1) Term.** The nonvoting student member will serve a term from May 1 to April 30. The student member may serve a second year as the nonvoting student member without having to reapply for the position if the student has another year of high school eligibility remaining before graduation. A vacancy in the membership of the nonvoting student member will not be filled until the expiration of the term.

**1.2(2) Qualifications.** At the time of making application, a qualified nonvoting student member is to meet all of the following criteria:

*a.* The student is a full-time, regularly enrolled tenth or eleventh grade student in an Iowa school district.

*b.* The student has been regularly enrolled as a full-time student in the district of present enrollment for at least two consecutive semesters or the equivalent thereof.

*c.* The student has a minimum cumulative grade point average in high school of 3.0 on a 4.0 scale (3.75 on a 5.0 scale).

*d.* The student demonstrates participation in extracurricular and community activities, as well as an interest in serving on the state board.

*e.* The student has the consent of the student's parent or guardian, as well as the approval of the student's district.

**1.2(3) Application process.** The application process for the nonvoting student member is as follows:

*a.* The department will, on behalf of the state board, prepare and disseminate application forms to all school districts in Iowa. In addition to the application itself, the student will submit all of the following:

(1) A consent form signed by the student's parent or guardian.

(2) An approval of the application signed by the superintendent of the student's district of enrollment or the superintendent's designee.

(3) A letter of recommendation from a high school teacher from whom the student received instruction.

(4) A letter of recommendation from a person in the community familiar with the student's community activities.

*b.* The number of applicants in a year from any one district is limited as follows:

(1) If district enrollment for grades 10 through 12 is less than 400 students, there may be no more than one applicant from the district.

(2) If district enrollment for grades 10 through 12 is between 400 and 1,199 students, there may be no more than two applicants from the district.

(3) If district enrollment for grades 10 through 12 is 1,200 students or more, there may be no more than three applicants from the district.

*c.* All applications are to be submitted on or before February 1 of the year in which the term is to begin. Applications may be hand-delivered or postmarked on or before February 1 to the Iowa department of education.

*d.* All applications will be initially screened by a committee to be appointed by the director of the department. The initial screening committee will select not more than 20 semifinalists. If fewer than a total of 20 applications are received, the initial screening process may be omitted at the discretion of the director of the department.

*e.* The applications of the semifinalists will be reviewed by a committee appointed by the president of the state board. The committee will submit a list of two to five finalists to the governor, who will appoint the student member from the list submitted.

**1.2(4) *Participation of student member in official board activities.***

*a.* Upon appointment to the board, the student member is to, at a minimum, fulfill the following qualifications to remain eligible to serve:

(1) Maintain enrollment as a full-time student in an Iowa public school district (if the student moves or transfers from the district of application, the student will obtain the approval of the superintendent or the superintendent's designee in the student's new district of enrollment).

(2) Maintain a minimum cumulative grade point average in high school of 3.0 on a 4.0 scale or 3.75 on a 5.0 scale.

(3) Attend regularly scheduled board meetings as required of voting board members. As a nonvoting member, the student will not participate in any closed session of the board.

*b.* The student member's absences from school to participate in official state board activities will be excused absences. The student member's participation in board activities outside the regularly scheduled meetings of the state board will be approved by the president of the board and the student's superintendent or the superintendent's designee.

*c.* If the student member is a minor, the student's parent or guardian will accompany the student while the student is participating in official state board activities at a location other than the student's resident community, unless the parent or guardian submits to the state board a signed release indicating that the parent or guardian has determined that such supervision is unnecessary.

*d.* The nonvoting student member is not considered for purposes of constituting the board's necessary quorum.

[ARC 7418C, IAB 12/27/23, effective 1/31/24]

**281—1.3(17A,256) Director of the department of education.** The director is appointed pursuant to Iowa Code section 256.8 and performs such duties as assigned by the Iowa Code or the Iowa Administrative Code, including Iowa Code section 256.9.

[ARC 7418C, IAB 12/27/23, effective 1/31/24]

**281—1.4(17A,256) Department of education.** The department of education is established by Iowa Code section 256.1 to perform the functions and duties set forth in that section, in other Iowa Code provisions, and in the Iowa Administrative Code. The department is organized into such divisions as established by statute, including the innovation division established by 2023 Iowa Acts, Senate File 514,



or the director. The mailing address for the state board of education, the director, and all divisions of the department is Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146.

[ARC 7418C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code section 17A.3.

[Filed 2/28/77, Notice 12/15/76—published 3/23/77, effective 4/27/77]

[Filed 8/19/88, Notice 6/29/88—published 9/7/88, effective 10/12/88]

[Filed emergency 12/14/90—published 1/9/91, effective 12/14/90]

[Filed 2/15/91, Notice 1/9/91—published 3/6/91, effective 4/10/91]

[Filed 11/19/93, Notice 9/29/93—published 12/8/93, effective 1/12/94]

[Filed emergency 11/21/02—published 12/11/02, effective 11/21/02]

[Filed 1/17/03, Notice 12/11/02—published 2/5/03, effective 3/12/03]

[Filed ARC 1330C (Notice ARC 1244C, IAB 12/11/13), IAB 2/19/14, effective 3/26/14]

[Filed ARC 5645C (Notice ARC 5479C, IAB 2/24/21), IAB 6/2/21, effective 7/7/21]

[Filed ARC 7418C (Notice ARC 7082C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]



CHAPTER 2  
AGENCY PROCEDURE FOR RULEMAKING  
AND PETITIONS FOR RULEMAKING

**281—2.1(17A) Incorporation by reference.** The Iowa department of education (department) and the Iowa state board of education incorporate by this reference all such matters in Iowa Code chapter 17A that deal with rulemaking or petitions for rulemaking.

[ARC 7425C, IAB 12/27/23, effective 1/31/24]

**281—2.2(17A) Contact information.**

**2.2(1) General.** Petitions for rulemaking and inquiries about department rules and the rulemaking process may be directed to Legal Consultant, Iowa Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146.

**2.2(2) Comments on proposed rules.** Any public comment on a Notice of Intended Action or similar document may be directed to Legal Consultant, Iowa Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146, or as directed in the Notice of Intended Action or similar document.

**2.2(3) Petitions for rulemaking.** A petition for rulemaking that substantially conforms to the following form will be considered by the department:

DEPARTMENT OF EDUCATION	
Petition by (Name of Petitioner) for the Adoption/Amendment/Repeal of (Cite rule involved).	}
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"></div> <div style="width: 45%; text-align: right;">           PETITION FOR RULEMAKING         </div> </div>	

[ARC 7425C, IAB 12/27/23, effective 1/31/24]

**281—2.3(17A) Electronic submissions.** The department encourages electronic submissions of documents under this chapter, including documents bearing electronic signatures. More information is available in the administrative rules content on the department's website ([educateiowa.gov](http://educateiowa.gov)).

[ARC 7425C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code section 256.7(3) and chapter 17A.

[Filed 8/19/88, Notice 6/29/88—published 9/7/88, effective 10/12/88]

[Filed 3/11/94, Notice 12/8/93—published 3/30/94, effective 5/4/94]

[Filed 4/13/99, Notice 3/10/99—published 5/5/99, effective 6/9/99]

[Filed 4/20/05, Notice 2/16/05—published 5/11/05, effective 6/15/05]

[Filed ARC 5646C (Notice ARC 5466C, IAB 2/24/21), IAB 6/2/21, effective 7/7/21]

[Filed ARC 7425C (Notice ARC 7083C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]



CHAPTER 3  
DECLARATORY ORDERS

[Prior to 9/7/88, see Public Instruction Department[670] Ch 53]

The Iowa department of education adopts, with the exceptions and amendments noted in rule 281—3.13(17A), the Uniform Rules on Agency Procedure relating to declaratory orders, which are published at [www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf) on the general assembly's website.

[ARC 7432C, IAB 12/27/23, effective 1/31/24]

**281—3.13(17A) Additional information concerning declaratory orders.** For purposes of the Uniform Rules on Agency Procedure relating to declaratory orders, the following amendments and exceptions apply:

1. In lieu of “(designate agency)” insert “Iowa department of education”.
2. In lieu of “(designate office)” insert “Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.
3. In lieu of “\_\_\_\_\_ days (15 or less)” insert “15 days”.
4. In lieu of “\_\_\_\_\_ days” insert “15 days”.
5. In lieu of “(designate official by full title and address)” insert “General Counsel, Iowa Department of Education, Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.
6. In lieu of “(specify office and address)” insert “General Counsel, Iowa Department of Education, Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.
7. Method of service, time of filing, proof of mailing, the date of issuance of an order, or a refusal to issue an order are governed by 281—Chapter 6.

[ARC 7432C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code section 17A.9.

[Filed 7/1/75]

[Filed 8/19/88, Notice 6/29/88—published 9/7/88, effective 10/12/88]

[Filed 11/19/93, Notice 9/29/93—published 12/8/93, effective 1/12/94]

[Filed 4/13/99, Notice 3/10/99—published 5/5/99, effective 6/9/99]

[Filed ARC 7432C (Notice ARC 7084C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]



CHAPTER 4  
WAIVERS FROM ADMINISTRATIVE RULES

**281—4.1(17A) Definitions.** For purposes of this chapter:

“*Board*” means the state board of education.

“*Department*” means the department of education.

“*Director*” means the director of the department of education.

“*Person*” means an individual, school corporation, government or governmental subdivision or agency, nonpublic school, partnership or association, or any legal entity.

“*Waiver*” means the same as defined in Iowa Code section 17A.9A(5).

[ARC 7420C, IAB 12/27/23, effective 1/31/24]

**281—4.2(17A) General.** The director may grant a waiver of any administrative rule, if the waiver is consistent with Iowa Code section 17A.9A.

[ARC 7420C, IAB 12/27/23, effective 1/31/24]

**281—4.3(17A) Criteria for waiver.** In response to a petition filed pursuant to this chapter, the director may in the director’s sole discretion issue an order waiving in whole or in part the obligations of a rule if the director finds, based on clear and convincing evidence, all of the factors listed in Iowa Code section 17A.9A(2) and that any waiver from the obligations of the rule in the specific case would not have a negative impact on the student achievement of any person affected by the waiver.

[ARC 7420C, IAB 12/27/23, effective 1/31/24]

**281—4.4(17A) Filing of petition.** All petitions for waiver are submitted in writing to the Director, Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146. If the petition relates to a pending contested case, the petition is filed in the contested case proceeding, using the caption of the contested case.

[ARC 7420C, IAB 12/27/23, effective 1/31/24]

**281—4.5(17A) Content of petition.** A petition for waiver includes the following information where applicable and known to the requester:

1. The name, address, and telephone number of the person for whom a waiver is being requested, and the case number of any related contested case.
2. A description and citation of the specific rule from which a waiver is requested.
3. The specific waiver requested, including the precise scope and duration.
4. The relevant facts that the petitioner believes would justify a waiver under the criteria described in Iowa Code section 17A.9A(2). This statement includes a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver.
5. A history of any prior contacts between the board, the department and the petitioner relating to the regulated activity, license, or grant affected by the proposed waiver, including a description of each affected item held by the requester, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity, license, or grant within the last five years.
6. A detailed statement of the impact on student achievement for any person affected by the granting of a waiver.
7. Any information known to the requester regarding the board’s or department’s treatment of similar cases.
8. The name, address, and telephone number of any person or entity that would be adversely affected by the granting of a petition.
9. The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.
10. Signed releases of information authorizing persons with knowledge regarding the request to furnish the department with information relevant to the waiver.

[ARC 7420C, IAB 12/27/23, effective 1/31/24]

**281—4.6(17A) Additional information.** Prior to issuing an order granting or denying a waiver, the department may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the department may on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the department.

[ARC 7420C, IAB 12/27/23, effective 1/31/24]

**281—4.7(17A) Notice.** The department will acknowledge receiving the petition and ensure that, within 30 days of the receipt of the petition, notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is necessary by any provision of law. In addition, the department may give notice to other persons. To accomplish this notice provision, the department may obligate the petitioner to serve the notice on all persons to whom notice is necessary by any provision of law and provide a written statement to the department attesting that notice has been provided.

[ARC 7420C, IAB 12/27/23, effective 1/31/24]

**281—4.8(17A) Hearing procedures.** The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings apply in three situations: (1) to any petition for a waiver filed within a contested case, (2) when provided by rule or order, or (3) when required to do so by statute.

[ARC 7420C, IAB 12/27/23, effective 1/31/24]

**281—4.9(17A) Ruling.** An order granting or denying a waiver will be in writing and will contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and the reasons upon which the action is based, and a description of the precise scope and operative period of any waiver issued.

**4.9(1) General.** The final decision on whether the circumstances justify the granting of a waiver is in the sole discretion of the director, based on the unique, individual circumstances set out in the petition.

**4.9(2) Compliance with Iowa Code standards.** The department applies the standards and burdens in Iowa Code section 17A.9A(3).

**4.9(3) Administrative deadlines.** When the rule from which a waiver is sought establishes administrative deadlines, the director will balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

**4.9(4) Time for ruling.** The director will grant or deny a petition for a waiver as soon as practicable but, in any event, within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the director will grant or deny the petition no later than the time at which the final decision in that contested case is issued. Failure of the director to grant or deny a petition within the time period is deemed a denial of that petition by the director. However, the director remains responsible for issuing an order denying a waiver.

**4.9(5) Service of order.** Within seven days of its issuance, any order issued under this chapter is transmitted to the petitioner or the person to whom the order pertains, and to any other person entitled to such notice by any provision of law.

[ARC 7420C, IAB 12/27/23, effective 1/31/24]

**281—4.10(17A) Public availability.** The department will comply with the public availability and filing procedures of Iowa Code section 17A.9A(4).

[ARC 7420C, IAB 12/27/23, effective 1/31/24]

**281—4.11(17A) After issuance of a waiver.**

**4.11(1) Cancellation.** A waiver issued pursuant to this chapter may be withdrawn, canceled or modified if, after appropriate notice and hearing, the director issues an order finding any of the following:

*a.* The petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver; or



b. The alternative means for ensuring that the public health, safety and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or

c. The subject of the waiver order has failed to comply with all conditions contained in the order.

**4.11(2) *Violations.*** A violation of conditions in the waiver approval is the equivalent of violation of the particular rule for which the waiver is granted. As a result, the recipient of a waiver under this chapter who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

**4.11(3) *Defense.*** After the director issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

**4.11(4) *Judicial review.*** Judicial review of the director's decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A.

[ARC 7420C, IAB 12/27/23, effective 1/31/24]

**281—4.12(17A) *Exception.*** This chapter does not apply to 281—Chapters 36 and 37 or to specific waiver provisions adopted in other chapters.

[ARC 7420C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code section 17A.9A.

[Filed 3/20/01, Notice 12/13/00—published 4/18/01, effective 5/23/01]

[Filed ARC 5647C (Notice ARC 5465C, IAB 2/24/21), IAB 6/2/21, effective 7/7/21]

[Filed ARC 7420C (Notice ARC 7085C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]



## CHAPTER 6 APPEAL PROCEDURES

[Prior to 9/7/88, see Public Instruction Department[670] Ch 51]

**281—6.1(290) Scope of chapter.** This chapter applies to all hearing requests seeking appellate review by the state board of education, the director of education, or the department of education.  
[ARC 7427C, IAB 12/27/23, effective 1/31/24]

**281—6.2(256,290,17A) Definitions.** The definitions contained in rule X.2 of the Uniform Rules on Agency Procedure for contested cases, effective on July 1, 1999, which are published on the general assembly's website at [www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf), are incorporated by reference. The following additional definitions apply to this chapter:

*"Appellant"* refers to a party bringing an appeal to the state board of education, the director of education, or the department of education.

*"Appellee"* refers to the party in a matter against whom an appeal is taken or the party whose interest is adverse to the reversal of a prior decision now on appeal to the state board of education, the director of education, or the department of education.

*"Board"* means the state board of education.

*"Department"* means the department of education.

*"Designated office"* means the Iowa Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319, or as ordered by the presiding officer.

*"Director"* refers to the director of education.

*"Presiding officer"* means the director of the department of education or the designated administrative law judge.

[ARC 7427C, IAB 12/27/23, effective 1/31/24]

**281—6.3(290,17A) Incorporation by reference.** The following rules from the Uniform Rules on Agency Procedure for contested cases, effective on July 1, 1999, are incorporated by reference:

1. X.7(17A) Waiver of procedures.
2. X.9(17A) Disqualification.
3. X.10(17A) Consolidation—severance.
4. X.12(17A) Service and filing of pleadings and other papers.
5. X.13(17A) Discovery.
6. X.14(17A) Subpoenas, with the following addition: Witnesses and serving officers may be allowed the same compensation as is paid for like attendance or service in district court. The witness's fees and mileage are considered costs of any appeal filed under Iowa Code chapter 290, and costs are assigned to the nonprevailing party. The witness's fees and expenses for hearings brought under other statutes and rules are the responsibility of the party requesting or subpoenaing the witness.
7. X.15(17A) Motions.
8. X.16(17A) Prehearing conference.
9. X.17(17A) Continuances.
10. X.19(17A) Intervention.
11. X.20(17A) Hearing procedures.
12. X.21(17A) Evidence.
13. X.22(17A) Default, with the following correction: The reference to Iowa Rule of Civil Procedure 236 is corrected to Rule 1.977.
14. X.23(17A) Ex parte communication.
15. X.24(17A) Recording costs.
16. X.28(17A) Applications for rehearing.
17. X.29(17A) Stays of agency actions.
18. X.30(17A) No factual dispute contested cases.
19. X.31(17A) Emergency adjudicative proceedings.

[ARC 7427C, IAB 12/27/23, effective 1/31/24]

**281—6.4(290,17A) Manner of appeal.**

**6.4(1)** An appeal under this chapter is started by filing an affidavit, unless an affidavit is not obligated by the statute establishing the right of appeal. The affidavit is to set forth the facts, any error complained of, or the reasons for the appeal in a plain and concise manner and be signed by the appellant. The affidavit is to be delivered to the office of the director by United States Postal Service, facsimile (fax), electronic mail, or personal service. The affidavit is considered filed with the agency on the date of the United States Postal Service postmark, the date of arrival of the facsimile, the date of arrival of the electronic mail message, or the date personal service is made. Time will be computed as provided in Iowa Code section 4.1(34).

**6.4(2)** The director or designee, within five days after the filing of such affidavit, will notify the proper officer in writing of the taking of an appeal. The officer, within ten days, will file with the board a complete certified transcript of the record and proceedings related to the decision appealed. A certified copy of the minutes of the meeting of the governmental body making the decision appealed will satisfy this rule.

**6.4(3)** The director or designee will send written notice by certified mail, return receipt requested, at least ten days prior to the hearing, unless the ten-day period is waived by all parties, to all persons known to be interested. Such notice includes the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing is to be held; a reference to the particular sections of the statutes and rules involved; and a short and plain statement of the matters asserted. A copy of the appeal hearing rules will be included with the notice.

The notice of hearing will contain the following information: identification of all parties including the name, address and telephone number of the person who will act as advocate for the agency or the state and of parties' counsel where known; reference to the procedural rules governing conduct of the contested case proceeding; reference to the procedural rules governing informal settlement; and identification of the presiding officer, if known (if not known, a description of who will serve as presiding officer (e.g., director of the department or administrative law judge from the department of inspections, appeals, and licensing)).

**6.4(4)** An amendment to the affidavit of appeal may be made by the appellant up to ten working days prior to the hearing. With the agreement of all parties, an amendment may be made until the hearing is closed to the receipt of evidence.

[ARC 7427C, IAB 12/27/23, effective 1/31/24]

**281—6.5(17A) Record.** The record of a contested case or appeal is described in Iowa Code section 17A.12(6).

[ARC 7427C, IAB 12/27/23, effective 1/31/24]

**281—6.6(290,17A) Decision and appeal.**

**6.6(1)** The presiding officer, after due consideration of the record and the arguments presented, will make a decision on the appeal. The proposed decision will be mailed to the parties or their representatives by regular mail. The parties may elect to receive the proposed decision by other means, such as electronic mail or electronic filing.

**6.6(2)** The decision may only be based on the laws of the United States, the state of Iowa and the regulations and policies of the department of education and in the best interest of education.

**6.6(3)** A proposed decision of the presiding officer, if there is no appeal under subrule 6.6(4), is placed on the consent agenda of the next regular board meeting for summary adoption, unless the decision is within the province of the director to make.

**6.6(4)** Any adversely affected party may appeal a proposed decision to the state board within 20 days after issuance of the proposed decision by filing a notice of appeal with the office of the director. The notice of appeal will be signed by the appealing party or a representative of that party, contain a certificate of service (or other evidence of service), and specify:

- a. The names and addresses of the parties initiating the appeal;
- b. The proposed decision to be appealed;

c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision;

d. The relief sought; and

e. The grounds for relief.

**6.6(5)** Unless otherwise ordered, within 15 days of a party's filing of the notice of appeal, each appealing party may file exceptions and briefs. Within ten days after the filing of exceptions and briefs by the appealing party, any party may file a responsive brief. Briefs shall cite any applicable legal authority, specify relevant portions of the record in the proceeding below, and be limited to a maximum length of 25 pages. An opportunity for oral arguments may be given with the consent of the board. To be granted oral argument, a party must file a request to present oral arguments with the party's briefs. With or without oral argument, the appeal of the proposed decision will be placed on the next regular board agenda.

**6.6(6)** The board may affirm, modify, or vacate the decision or may direct a rehearing before the director or the director's designee.

**6.6(7)** Copies of the final decision will be sent to the parties or their representatives by regular mail within five days after state board action, if mandated, on the proposed decision.

**6.6(8)** No individual who participates in the making of any decision may have advocated in connection with the hearing, the specific controversy underlying the case, or other pending factually related matters. Nor may any individual who participates in the making of any proposed decision be subject to the authority, direction, or discretion of any person who has advocated in connection with the hearing, the specific controversy underlying the hearing, or a pending related matter involving the same parties.

[ARC 7427C, IAB 12/27/23, effective 1/31/24]

## **281—6.7(256,17A) Specific programs.**

**6.7(1) General rule.** If a specific federal program's statutes or regulations impose criteria for appeals to the state board of education, the director of education, or the department of education, those specific criteria govern and are incorporated by reference.

**6.7(2) Specific programs.** The following is a nonexhaustive list to which this rule applies:

a. Appeals under the Child and Adult Care Food Program (CACFP) are governed by the criteria contained in 7 CFR Section 226.6 as of May 1, 2023.

b. Due process complaints under Part B of the Individuals with Disabilities Education Act, 20 U.S.C. 1411 et seq., and Iowa Code chapter 256B are governed by 281—Chapter 41.

c. Due process complaints under Part C of the Individuals with Disabilities Education Act, 20 U.S.C. 1431 et seq., are governed by 281—Chapter 120.

[ARC 7427C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code sections 256.7(6) and 256.9(17) and chapters 17A and 290.

[Filed 7/1/75]

[Filed 8/19/88, Notice 6/29/88—published 9/7/88, effective 10/12/88]

[Filed emergency 6/18/91—published 7/10/91, effective 6/18/91]

[Filed 3/11/94, Notice 2/2/94—published 3/30/94, effective 5/4/94]

[Filed 11/2/94, Notice 8/31/94—published 11/23/94, effective 12/28/94]

[Filed 11/19/98, Notice 10/7/98—published 12/16/98, effective 1/20/99]

[Filed 4/13/99, Notice 3/10/99—published 5/5/99, effective 6/9/99]

[Filed emergency 3/17/00—published 4/5/00, effective 3/17/00]

[Filed 5/12/00, Notice 4/5/00—published 5/31/00, effective 7/5/00]

[Filed 8/2/02, Notice 6/26/02—published 8/21/02, effective 9/25/02]

[Filed ARC 1597C (Notice ARC 1498C, IAB 6/11/14), IAB 9/3/14, effective 10/8/14]

[Filed Emergency ARC 6483C, IAB 8/24/22, effective 8/5/22]

[Filed ARC 6726C (Notice ARC 6482C, IAB 8/24/22), IAB 12/14/22, effective 1/18/23]

[Filed ARC 7427C (Notice ARC 7088C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]



## CHAPTER 7 CRITERIA FOR GRANTS

**281—7.1(256,17A) General.** To ensure equal access and objective evaluation of applicants for competitive program grant funds made available by the Iowa department of education (department), grant application materials are to contain, at minimum, specific content. The department develops competitive program grant application packets in accordance with these rules unless in conflict with appropriation language, the Iowa Code, the Iowa Administrative Code, federal regulations, or interagency agreements between the department and other state agencies.

[ARC 7431C, IAB 12/27/23, effective 1/31/24]

**281—7.2(256,17A) Definitions.** For the purpose of these rules, the following definitions apply:

*“Competitive program grant”* means the collective activities of a competitive grant funded through the department.

*“Program period”* means the period of time that the department intends to support the program without requiring the recompetition for funds. The program period is specified within the grant application.

*“Service delivery area”* means the defined geographic area for delivery of program services.

[ARC 7431C, IAB 12/27/23, effective 1/31/24]

**281—7.3(256,17A) Grant application contents.** All competitive program grant application materials made available by the department are to include the following:

1. Funding source.
2. Program period.
3. Description of eligible applicants.
4. Services to be delivered.
5. Service delivery area.
6. Target population to be served (if applicable).
7. Funding purpose.
8. Funding restrictions.
9. Funding formula (if any).
10. Matching requirement (if any).
11. Reporting requirements.
12. Performance criteria.
13. Need for letters of support or other materials (if applicable).
14. Application due date.
15. Anticipated date of awarding grant.
16. Required components of submitted grant applications.
17. An explanation of the review process and the review criteria to be used by application evaluators, including the number of points allocated per evaluated component.
18. Appeal process in the event an application is denied.

[ARC 7431C, IAB 12/27/23, effective 1/31/24]

**281—7.4(256,17A) Review process.** The review process to be followed in determining the amount of funds to be approved for any competitive program grant will be described in the application, including the review criteria and point allocation for each criterion.

**7.4(1)** The competitive program grant review committee will be determined by the appropriate division administrator. The review committee members will allocate points per review criterion when conducting the review.

**7.4(2)** In the event competitive program grant applications receive an equal number of points that necessitates a further determination of whether an applicant is to receive a grant, a second review will be conducted by the division administrator or the division administrator’s designee.

[ARC 7431C, IAB 12/27/23, effective 1/31/24]

**281—7.5(290,17A) Appeal of grant denial or termination.** Any applicant may appeal the denial of a properly submitted competitive program grant application or the unilateral termination of a competitive program grant to the director of the department.

**7.5(1)** Appeals are to be:

- a.* In writing,
- b.* Received within ten working days of the date of the notice of decision, and
- c.* Based on a contention that the process was conducted outside of statutory authority; violated state or federal law, policy, or rule; did not provide adequate public notice; was altered without adequate public notice; or involved conflict of interest by staff or committee members.

**7.5(2)** The hearing and appeal procedures found in 281—Chapter 6 that govern the director's decisions apply to any appeal of denial or termination.

**7.5(3)** In the notice of appeal, the grantee will give a short and plain statement of the reasons for the appeal.

**7.5(4)** The director will issue a decision within a reasonable time, not to exceed 60 days from the date of the hearing.

[ARC 7431C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code section 256.9(7).

[Filed emergency 11/25/96—published 12/18/96, effective 11/25/96]

[Filed 2/13/97, Notice 12/18/96—published 3/12/97, effective 4/16/97]

[Filed ARC 7431C (Notice ARC 7089C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]



CHAPTER 16  
STATEWIDE VOLUNTARY PRESCHOOL PROGRAM

**281—16.1(256C) Definitions.**

*“Applicant”* means a school district applying to become an approved local program. Only public school districts in Iowa may apply for state funds under this chapter.

*“Approved local program”* means the same as defined in Iowa Code section 256C.1.

*“Assessment”* means a systematic ongoing procedure for obtaining information from observations, interviews, portfolios, and tests that can be used to make judgments about the strengths and needs of individual children and plan appropriate instruction.

*“Comprehensive services”* means the provision of quality, developmentally appropriate early learning experiences consistent with age-relevant abilities or milestones; extended day child care services; developmental screenings, including health, hearing, and vision screenings; transportation; and family education and support services.

*“Curriculum”* means a research-based or evidence-based written framework that is comprehensive, addresses the needs of the whole child, and provides a guide for decision making about content, instructional methods, and assessment.

*“Department”* means the same as defined in Iowa Code section 256C.1.

*“Developmentally appropriate”* means practices that are based upon knowledge of how children develop and learn and that are responsive to the individual child’s learning strengths, interests, and needs.

*“Director”* means the same as defined in Iowa Code section 256C.1.

*“Eligible child”* means the same as defined in Iowa Code section 256C.3(1).

*“Family education and support”* means any developmentally appropriate activity or information, provided either formally or informally to parents, that supports the success of children and their families to reach desired results.

*“Paraeducator”* means a certified educational assistant as defined in Iowa Code section 272.1(7) and licensed under 282—Chapter 24.

*“Prekindergarten program”* means an education program offered by a school district or by an accredited nonpublic school as defined in 281—Chapter 12.

*“Preschool budget enrollment”* means the same as defined in Iowa Code section 256C.5.

*“Preschool foundation aid”* means the same as defined in Iowa Code section 256C.5.

*“Preschool program”* means the statewide voluntary preschool program for four-year-old children created in Iowa Code chapter 256C.

*“Program standards”* means the expectations for the characteristics or quality of early childhood settings, centers, and schools approved by the department, on or before January 31, 2024. Approved program standards include National Association for the Education of Young Children (NAEYC) Program Standards and Accreditation Criteria, Head Start Program Performance Standards, the Iowa Quality Preschool Program Standards (QPPS) and Criteria, or other approved program standards as determined by the department.

*“School district”* means the same as defined in Iowa Code section 257.2.

*“Staff member”* means an individual who implements preschool activities under the direct supervision of a teacher. Staff members include paraeducators, teacher aides and teacher associates. All staff members are to meet the program standards defined herein.

*“Teacher”* means an individual who holds a valid practitioner’s license issued by the board of educational examiners under Iowa Code chapter 272 and holds an endorsement from the board of educational examiners that includes prekindergarten or kindergarten. There is no obligation that the teacher be an employee of the applicant district; the teacher may be employed by a private provider or other public agency with which the district has entered into an agreement or contract under Iowa Code chapter 28E.

[ARC 7421C, IAB 12/27/23, effective 1/31/24]

**281—16.2(256C) Preschool program standards.** Approved program standards include Head Start Program Performance Standards, Iowa Quality Preschool Program Standards and Criteria, or the NAEYC Program Standards and Accreditation Criteria. All approved local preschool programs adopt preschool program standards and meet the following criteria:

**16.2(1) *Personnel.*** A minimum of one teacher is present with eligible children during the voluntary preschool program instructional time.

**16.2(2) *Ratio of staff to children.*** At least one teacher is present in a classroom during the instructional time described in subrule 16.2(4). A minimum of one staff member and one teacher are present when 11 to 20 children are present. Staff members and teachers have reasonable line-of-sight supervision of all children.

**16.2(3) *Maximum class size.*** There are no more than 20 children per classroom.

**16.2(4) *Instructional time.*** Eligible children receive instructional time as established by Iowa Code section 256C.3(3) “f” that meets the needs of the child and is directly related to the program’s curriculum, such time to be exclusive of recess.

**16.2(5) *Child learning standards.*** The preschool program demonstrates how the curriculum, assessment, staff development, and instructional strategies are aligned to the Iowa Early Learning Standards, adopted on or before January 31, 2024. The teacher provides instruction on the skills and knowledge included in the Iowa Early Learning Standards.

**16.2(6) *Curriculum.*** The preschool program adopts a research-based or evidence-based curriculum.

**16.2(7) *Assessment.*** The preschool program adopts a research-based or evidence-based assessment to provide information on children’s learning and development.

**16.2(8) *Staff development.*** The school district complies with Iowa Code section 256C.3(4) “d.” The district makes available to any teacher of a statewide voluntary preschool program who is not employed by the district staff development that the district offers to the district’s personnel to maintain the skills appropriate to the teacher’s role. The school district ensures that staff members for the program are provided appropriate staff development in early childhood education.

**16.2(9) *Space.*** The preschool program provides adequate and appropriate space and facilities in accordance with program standards.

**16.2(10) *Materials.*** The preschool program provides instructional materials and supplies consistent with the program standards and Iowa Early Learning Standards.

**16.2(11) *Meals.*** The preschool program provides adequate and appropriate meals or snacks in accordance with program standards.

**16.2(12) *Parent involvement.*** The preschool program involves families through at least one home visit by the licensed teacher of the child, one family night, and at least two family-teacher conferences per year. Family involvement may include volunteering in the classroom, orientation to the preschool program, parent education, general communications, or other activities.

**16.2(13) *Integration of other preschool programs.*** The preschool program complies with Iowa Code section 256C.3(3) “d.”

**16.2(14) *Comprehensive services.*** The preschool program may collaborate with other agencies for the provision of the following:

- a. Quality, developmentally appropriate early learning experiences;
- b. Extended day child care;
- c. Transportation;
- d. Developmental screening, including health, hearing, and vision screening;
- e. Referral to other agencies providing health insurance, health care, immunizations, nutrition services, and mental health and oral health services; and
- f. Family education and support.

[ARC 7421C, IAB 12/27/23, effective 1/31/24]

**281—16.3(256C) Collaboration.**

**16.3(1) *Teachers.*** The teacher complies with Iowa Code section 256C.3(2) “b.”

**16.3(2) *Programs.*** The program complies with Iowa Code section 256C.3(3) “e.” In doing so, the program makes available resources, including those described in subrule 16.2(14), necessary to meet the needs of the child. Preschool programs collaborate to ensure that children receiving care from other approved child care arrangements can participate in the voluntary preschool program with minimal disruptions to the child.

**16.3(3) *Districts.*** The school district complies with Iowa Code section 256C.3(4) “a” and “b.”  
[ARC 7421C, IAB 12/27/23, effective 1/31/24]

**281—16.4(256C) Applications for funding.** All applications are submitted in a manner directed by the department; address the standards found in rules 281—16.2(256C), 281—16.3(256C), and 281—16.9(256C); and contain a plan describing how they will fully meet the program standards within one year of the funding award. Points are awarded based on the applicant’s provision of the following information:

1. Preschool program summary;
2. Research documentation;
3. Identification and documentation of local population;
4. Needs assessment of local programs providing services;
5. Evidence of collaboration with local agencies to provide comprehensive services; and
6. Letters of community support.

[ARC 7421C, IAB 12/27/23, effective 1/31/24]

**281—16.5(256C) Application process.**

**16.5(1) *Request for applications.***

- a. The department announces the commencement of the application period through public notice on the department’s website and the department’s relevant regular electronic publications.
- b. Applications for preschool program funding are available on the department’s website and otherwise distributed by the department upon request.
- c. All applications are to be submitted to the department in accordance with instructions accompanying the applications.

**16.5(2) *Application process.***

- a. Applications that do not contain the specified information or that are not received by the specified date will not be considered.
- b. The department has the final discretion to award funds.

**16.5(3) *Notification of applicants.*** The department notifies all applicants within 45 days following the due date for receipt of applications whether their requests are funded. The department is to provide to each successful applicant a contract to be signed by an official with authority to bind the applicant and to be returned to the department prior to the distribution of any funds under this program.

[ARC 7421C, IAB 12/27/23, effective 1/31/24]

**281—16.6(256C) Removal of approval.**

**16.6(1) *Removal by agreement.*** The contract may be terminated in whole or in part when both parties agree that the continuation of the project would not produce beneficial results commensurate with the future expenditure of funds. The parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The applicant does not incur new obligations for the terminated portion after the effective date and will cancel as many outstanding obligations as possible.

**16.6(2) *Department removal for cause.***

- a. The department may remove approval in whole or in part at any time before the date of completion whenever it is determined by the department that the applicant has failed to comply substantially with the conditions of the contract. The applicant will be notified in writing by the department of the reasons for the removal of approval and the effective date. The applicant does not incur new obligations for the portion for which approval is removed after the effective date of removal and will cancel as many outstanding obligations as possible.

*b.* The department may remove approval in whole or in part by June 30 of the current fiscal year in the event that the applicant has not attained the program standards.

**16.6(3) *Responsibility of applicant after removal of approval.*** Within 45 days of the removal of approval, the applicant will supply the department with a financial statement detailing all costs incurred up to the effective date of the removal. If the applicant expends moneys for other than specified budget items approved by the department, the applicant will return moneys for unapproved expenditures.  
[ARC 7421C, IAB 12/27/23, effective 1/31/24]

**281—16.7(256C) Appeal of application denial, termination, or removal of approval.** Any applicant may appeal to the director of the department the denial of a properly submitted preschool program funding application or the unilateral termination or removal of an approval. The jurisdictional criteria and procedures found in 281—Chapter 7 apply to any appeal of denial.  
[ARC 7421C, IAB 12/27/23, effective 1/31/24]

**281—16.8(256C) Finance.**

**16.8(1) *General.*** The department implements Iowa Code sections 256C.4 and 256C.5.

**16.8(2) *Aid payments.*** Preschool foundation aid is paid as part of the state aid payments made to school districts in accordance with Iowa Code section 257.16, except that it is not necessary that an eligible child be a resident of the district in which the child is enrolled voluntarily in the approved local program.

**16.8(3) *Separate accounting.*** All state funding received under this program is accounted for by the applicant district separately from other state aid payments.

**16.8(4) *Restriction on supplanting.*** State funding received under this program is used to supplement, not supplant, other public funding received by the applicant district as the result of the participation of any eligible children in other state or federal funded preschool programs. This restriction is applicable only for costs related to instructional time as described in subrule 16.2(4).

**16.8(5) *Transportation.*** Children participating in preschool in an approved local program under Iowa Code chapter 256C may be provided transportation services. However, transportation services provided to such children are not eligible for reimbursement under this chapter.

**16.8(6) *Open enrollment not applicable.*** Iowa's open enrollment statute (Iowa Code section 282.18) is not applicable for the parent or guardian of an eligible child who desires to access an approved program in a school district not of the child's residence. Approved programs are open to all eligible Iowa children, regardless of a child's district of residence. Accordingly, it is neither necessary for a parent or guardian to file an open enrollment application, nor will open enrollment applications for approved preschool programs be allowed. Participation in an approved program in a school district not of the child's residence does not create an entitlement to continuous open enrollment under Iowa Code section 282.18.  
[ARC 7421C, IAB 12/27/23, effective 1/31/24]

**281—16.9(256C) Accountability.** An approved local program meets the minimum program specifications in this chapter. The department encourages approved local programs to exceed the minimum standards as programs work toward ongoing improvement. The department monitors each local program's compliance with this rule.

**16.9(1) *Annual reports.*** Each approved local program provides, on forms provided by the department, an annual report to the department regarding program specifications. Failure to submit an annual report by the date specified therein results in suspension of financial payments to the applicant until such time as the report is received by the department.

**16.9(2) *Performance measures.*** The approved local program collects data on all of the following:

- a.* The number of eligible children participating in the preschool program.
- b.* The number of eligible children participating in a program that meets the criteria of NAEYC, Head Start, or QPPS Standards and Criteria.
- c.* The curriculum.
- d.* The assessment as defined in rule 281—16.1(256C).
- e.* The number of teachers.

*f.* The kindergarten literacy assessment as defined in Iowa Code section 279.60.

**16.9(3) *Noncompliance with program specifications.*** If the department determines that a participating district does not meet one or more of the accountability specifications provided in rule 281—16.2(256C), the department informs the school district of appropriate actions to be taken by the school district. The school district submits an action plan that is approved by the department and contains reasonable timelines for coming into compliance. The department will facilitate technical assistance when requested. If the department determines that the school district is not taking the necessary actions in a timely manner, the director removes approval and terminates the school district's contract as provided in subrule 16.6(2). Until such time as the school district's contract is terminated, the school district may continue to participate in the statewide voluntary preschool program.

**16.9(4) *Monitoring.*** The department develops a monitoring system based on the annual reporting and performance measures described in this rule to be implemented no later than one year after funding is first provided under this chapter. The monitoring system ensures that programs meet the provisions herein requiring a properly licensed teacher and adoption of program standards and is designed to follow the academic progress of children who voluntarily participate in the statewide preschool program as the children progress through elementary and secondary grade levels. If feasible, it is the intent of the department to include postsecondary monitoring of such children.

[ARC 7421C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code chapter 256C.

[Filed emergency 5/30/07—published 6/20/07, effective 7/1/07]

[Filed 9/13/07, Notice 6/20/07—published 10/10/07, effective 11/14/07]

[Filed ARC 7787B (Notice ARC 7608B, IAB 3/11/09), IAB 5/20/09, effective 6/24/09]

[Filed ARC 7421C (Notice ARC 7090C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]



## CHAPTER 18 SCHOOL FEES

**281—18.1(256) Overview.** No Iowa student enrolled in a public school may be excluded from participation in or denied the benefits of course offerings and related activities due to the student's or the student's parent's or guardian's financial inability to pay a fee associated with the class, program, or activity.

[ARC 7426C, IAB 12/27/23, effective 1/31/24]

**281—18.2(256) Fee policy.** The board of directors (board) of a public school district (district) shall adopt a policy regarding the charging and collecting of fees for course offerings and related activities and for transportation provided to resident students who are not entitled to transportation under Iowa Code section 285.1, apply its policy to any fees charged, and develop procedures to implement its policy.

[ARC 7426C, IAB 12/27/23, effective 1/31/24]

**281—18.3(256) Eligibility for waiver, partial waiver or temporary waiver of student fees.** The policy mandated by rule 281—18.2(256) is to include provisions for granting a waiver, partial waiver, or temporary waiver of student fees upon application by the student.

**18.3(1) Waivers.** At minimum, the policy is to include the following provisions relating to eligibility for the waivers:

*a. Waiver.* A student is granted a waiver of all fees covered by this chapter if the student or the student's family meets the financial eligibility criteria for free meals offered under the child nutrition program, or for the family investment program (FIP), or for transportation assistance under open enrollment provided under 281—Chapter 17, or if the student is in foster care under Iowa Code chapter 232.

*b. Partial waiver.* A student is granted either a waiver of all student fees or a partial waiver of student fees if the student or the student's family meets the financial eligibility criteria for reduced price meals offered under the child nutrition program, based on a sliding scale related to an ability to pay.

*c. Temporary waiver.* At the discretion of the district, a student may be granted a temporary waiver of a fee or fees in the event of a temporary financial difficulty in the student's immediate family. A temporary waiver may be applied for and granted at any time during a school year. The maximum length of a temporary waiver is one year.

*d. Fees waived not collectable.* When an application for any fee waiver is granted, the fee or fees waived under the application are not collectable.

*e. Distribution of policy and applications.* At the time of registration or enrollment, the district distributes procedures on charging fees, a written notice of fees charged to each student, the waiver and reduction policy and procedures including income guidelines, and the application for waiver. For students or families whose primary language is other than English, the district provides a copy of the materials in the student's native language or arranges for translation of the materials within a reasonable time.

*f. Annual application.* The request for a fee waiver is made on application forms provided by the department of education. An application can be received at any time but may only be renewed at the beginning of the school year.

**18.3(2) Applications.** The procedures are to include a description of the confidential application process for the waiver and provide that a written decision be issued to the applicant within a reasonable time. If the application is denied, the decision will include the reason for the denial.

**18.3(3) Review and appeals.** The procedures are to include a provision for a confidential review of any denial by a person or persons designated by the board upon request and the manner in which an appeal may be taken. If the decision on review is again to deny the application, the decision maker will notify the applicant in writing that the applicant may appeal the denial to the director of the department of education by filing a notarized statement within 30 days of the applicant's receipt of the district's final decision.

[ARC 7426C, IAB 12/27/23, effective 1/31/24]

**281—18.4(256) Fees covered.** Fines assessed for damage or loss to school property are not fees and need not be waived. Nothing in this chapter authorizes the charging of a fee for which there is no authority in law.

[ARC 7426C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code section 256.7(20).

[Filed 4/15/96, Notice 1/3/96—published 5/8/96, effective 6/12/96]

[Filed 3/14/03, Notice 2/5/03—published 4/2/03, effective 5/7/03]

[Filed ARC 7426C (Notice ARC 7091C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]



CHAPTER 33  
EDUCATING HOMELESS CHILDREN AND YOUTH

**281—33.1(256) Definitions.**

*“District of origin”* means the public school district in Iowa in which a child was last enrolled or which a child last attended when permanently housed.

*“Guardian”* means a person of majority age with whom a homeless child or youth of school age is living or a person of majority age who has accepted responsibility for the homeless child or youth, whether or not the person has legal guardianship over the child or youth.

*“Homeless child or youth”* means a child or youth from the age of 3 years through 21 years who meets the definition in Iowa Code section 282.1(2) “a”(2).

*“Preschool child”* means a child who is three, four, or five years of age before September 15.

*“School of origin”* means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool. When the child or youth completes the final grade level served by the school of origin, the term “school of origin” includes the designated receiving school at the next grade level for all feeder schools.

*“Unaccompanied homeless youth”* means a homeless youth not in the physical custody of a parent or guardian.

[ARC 7434C, IAB 12/27/23, effective 1/31/24]

**281—33.2(256) Responsibilities of school districts.** A public school district (district) shall do all of the following:

**33.2(1)** The district will locate and identify homeless children or youth within the district, whether or not they are enrolled in school.

**33.2(2)** The district will post, at community shelters and other locations in the district where services or assistance is provided to the homeless, information regarding the educational rights of homeless children and youth and encouraging homeless children and youth to enroll in the public school.

**33.2(3)** The district will examine and revise, if necessary, existing school policies or rules that create barriers to the enrollment of homeless children or youth, consistent with these rules. Examination and revision include identifying and removing barriers that prevent such children and youth from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with state, local, and school policies. Examination and revision also include ensuring that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the state and local levels. School districts are encouraged to cooperate with agencies and organizations for the homeless to explore comprehensive, equivalent alternative educational programs and support services for homeless children and youth when necessary to implement the intent of these rules.

**33.2(4)** The district will enact a policy prohibiting the segregation of a homeless child or youth from other students enrolled in the public school district.

**33.2(5)** The district immediately will enroll a homeless child or youth, pending resolution of any dispute regarding in which school the child or youth should be enrolled.

**33.2(6)** The district will determine school placement based on the best interests of a homeless child or youth. The district, to the extent feasible, will keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child’s or youth’s parent or guardian. If the child or youth becomes permanently housed during an academic year, enrollment continues in the school of origin for the remainder of that academic year unless the parent or guardian agrees otherwise.

**33.2(7)** The district will designate as the district’s local educational agency liaison for homeless children and youth an appropriate staff person who is able to and has been trained to carry out the duties specified in 42 U.S.C. §11432(g)(6) and coordinates and collaborates with state coordinators

and community and school personnel responsible for the provision of education and related services to homeless children and youth.

[ARC 7434C, IAB 12/27/23, effective 1/31/24]

**281—33.3(256) School records; student transfers.**

**33.3(1)** The school records of each homeless child or youth will be maintained so that the records are available in a timely fashion when a child or youth enters a new school district and in a manner consistent with federal statutes and regulations related to student records.

**33.3(2)** Upon notification that a homeless student intends to transfer out of the district, a school district will immediately provide copies of the student's permanent and cumulative records, or other evidence of placement or special needs, to the homeless child or youth or the parent or guardian of a homeless child or youth who may take the copies with them.

**33.3(3)** Upon the enrollment of a homeless child or youth, a school district will accept copies of records, or other evidence of placement provided by the homeless child, youth, or the parent or guardian of the homeless child or youth, for purposes of immediate placement and delivery of education and support services. Thereafter, the receiving school will request copies of the official records from the sending school. The receiving school shall not dismiss or deny further education to the homeless child or youth solely on the basis that the prior school records are unavailable.

[ARC 7434C, IAB 12/27/23, effective 1/31/24]

**281—33.4(256) Immunization.**

**33.4(1)** Consistent with the provisions of Iowa Code section 139A.8 and rules of the department of health and human services, a public school shall not refuse to enroll or exclude a homeless child or youth for lack of immunization records if any of the following situations exist. The parent or guardian of a homeless child or youth or a homeless child or youth:

*a.* Offers a statement signed by a doctor licensed by the state board of medical examiners specifying that in the doctor's opinion the immunizations required would be injurious to the health and well-being of the child or youth or to any member of the child's or youth's family or household.

*b.* Provides an affidavit stating that the immunization conflicts with the tenets and practices of a recognized religious denomination of which the homeless child or youth is a member or adherent, unless the state board of health has determined and the director of health has declared an emergency or epidemic exists.

*c.* Offers a statement that the child or youth has begun the required immunizations and is continuing to receive the necessary immunizations as rapidly as is medically feasible.

*d.* States that the child or youth is a transfer student from any other school, and that school confirms the presence of the immunization record.

**33.4(2)** The school district will make every effort to locate or verify the official immunization records of a homeless child or youth based upon information supplied by the child, youth, parent, or guardian. In circumstances where it is admitted that the homeless child or youth has not received some or all of the immunizations required by state law for enrollment and none of the exemptions listed above is applicable, the district will refer the child, youth, and parent or guardian to the local board of health for the purpose of immunization, and the school is to provisionally enroll the child or youth in accordance with paragraph 33.4(1) "*c*" or "*d*" above.

[ARC 7434C, IAB 12/27/23, effective 1/31/24]

**281—33.5(256) Waiver of fees and charges encouraged.**

**33.5(1)** If a child or youth is determined to be homeless as defined by these rules, and is not otherwise eligible for a waiver of fees under 281—Chapter 18, a school district is encouraged, subject to state law, to waive any fees or charges that would present a barrier to the enrollment or transfer of the child or youth, such as fees or charges for textbooks, supplies, or activities.

**33.5(2)** A homeless child or youth, or the parent or guardian of a homeless child or youth, who believes a school district has denied the child or youth entry to or continuance of an education in the

district on the basis that mandatory fees cannot be paid may appeal to the department of education using the dispute resolution mechanism in rule 281—33.8(256).

[ARC 7434C, IAB 12/27/23, effective 1/31/24]

**281—33.6(256) Waiver of enrollment requirements encouraged; placement.**

**33.6(1)** If a homeless child or youth seeks to enroll or to remain enrolled in a public school district, the district is encouraged to waive any requirements, such as mandatory enrollment in a minimum number of courses, which would constitute barriers to the education of the homeless child or youth.

**33.6(2)** In the event that a school district is unable to determine the appropriate grade or placement for a homeless child or youth because of inadequate, nonexistent, or missing student records, the district will administer tests or utilize otherwise reasonable means to determine the appropriate grade level for the child or youth.

[ARC 7434C, IAB 12/27/23, effective 1/31/24]

**281—33.7(256) Residency of homeless child or youth.**

**33.7(1)** A child or youth, a preschool child if the school offers tuition-free preschool, or a preschool child with a disability who meets the definition of homeless in these rules is entitled to receive a free, appropriate public education and necessary support services in either of the following:

- a. The district in which the homeless child or youth is actually residing, or
- b. The district of origin.

The deciding factor as to which district has the duty to enroll the homeless child or youth is the best interests of the child or youth. In determining the best interests of the child or youth, the district(s), to the extent feasible, will keep a homeless child or youth in the district of origin, except when doing so is contrary to the wishes of the parent or guardian of the child or youth. In the case of an unaccompanied homeless youth, the local educational agency liaison assists in the placement or enrollment decision, taking into consideration the views of the unaccompanied homeless youth. If the child or youth is placed or enrolled in a school other than within the district of origin or other than a school requested by the parent or guardian or unaccompanied homeless youth, the district will provide a written explanation, including notice of the right to appeal under rule 281—33.8(256), to the parent or guardian or unaccompanied homeless youth.

**33.7(2)** The choice regarding placement is made regardless of whether the child or youth is living with a homeless parent or has been temporarily placed elsewhere by the parent(s); or, if the child or youth is a runaway or otherwise without benefit of a parent or legal guardian, where the child or youth has elected to reside.

**33.7(3)** Insofar as possible, a school district will not require a homeless student to change attendance centers within a school district when a homeless student changes places of residence within the district.

**33.7(4)** If a homeless child or youth is otherwise eligible and has made proper application to utilize the provisions of Iowa Code section 282.18 (open enrollment), the child or youth will not be denied the opportunity for open enrollment on the basis of homelessness.

[ARC 7434C, IAB 12/27/23, effective 1/31/24]

**281—33.8(256) Dispute resolution.**

**33.8(1)** If a homeless child or youth is denied access to a free, appropriate public education in either the district of origin or the district in which the child or youth is actually living, or if the child's or youth's parent or guardian believes that the child's or youth's best interests have not been served by the decision of a school district, an appeal may be made to the department of education as follows:

a. If the child is identified as a special education student under Iowa Code chapter 256B, the manner of appeal is by letter from the homeless child or youth, or the homeless child's or youth's parent or guardian, to the department of education as established in Iowa Code section 256B.6 and 281—Chapter 41 and governed by that chapter and the order of the presiding administrative law judge.

b. If the child is not eligible for special education services, the manner of appeal is by letter from the homeless child or youth or the homeless child's or youth's parent or guardian to the director of the department of education or a designated administrative law judge. The provisions of 281—Chapter 6

apply insofar as possible; however, the hearing shall take place in the district where the homeless child or youth is located or at a location convenient to the appealing party.

*c.* At any time a school district denies access to a homeless child or youth, the district will notify in writing the child or youth and the child's or youth's parent or guardian, if any, of the right to appeal and manner of appeal to the department of education for resolution of the dispute and shall document the notice given. The notice will contain the name, address, and telephone number of the legal services office in the area.

**33.8(2)** This chapter will be considered by the presiding officer or administrative law judge assigned to hear the case.

**33.8(3)** Mediation and settlement of the dispute prior to hearing are permitted and encouraged.

**33.8(4)** While dispute resolution is pending, the child or youth is enrolled immediately in the school of choice of the child's parent or guardian or the school of choice of the unaccompanied homeless youth. The school of choice is to be an attendance center either within the district of residence or the district of origin of the child or youth.

[ARC 7434C, IAB 12/27/23, effective 1/31/24]

## **281—33.9(256) Transportation of homeless children and youth.**

**33.9(1) General.** A child or youth, a preschool child if the school offers tuition-free preschool, or a preschool child with a disability who meets the definition of "homeless child or youth" in these rules shall not be denied access to a free, appropriate public education solely on the basis of transportation. The necessity for and feasibility of transportation are to be considered, however, in deciding which of two districts would be in the best interests of the homeless child or youth. The dispute resolution procedures in rule 281—33.8(256) apply to disputes arising over transportation issues.

**33.9(2) Entitlement.** Following the determination of the homeless child's or youth's appropriate school district under rule 281—33.7(256) or 281—33.9(256), transportation will be provided to the child or youth in the following manner:

*a.* If the appropriate district is determined to be the district in which the child or youth is actually living, transportation for the homeless child or youth is to be provided on the same basis as for any resident child of the district, as established by Iowa Code section 285.1 or local board policy.

*b.* If the appropriate district is determined to be a district other than the district in which the child or youth is actually living, the district in which the child or youth is actually living (sending district) and the district of origin will agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the receiving district. If these districts are unable to agree upon such method, the responsibility and costs for transportation will be shared equally.

[ARC 7434C, IAB 12/27/23, effective 1/31/24]

## **281—33.10(256) School services.**

**33.10(1)** The school district designated for the homeless child's or youth's enrollment will make available to the child or youth all services and assistance, including the following services, on the same basis as those services and assistance are provided to resident pupils:

- a.* Compensatory education;
- b.* Special education;
- c.* English as a second language;
- d.* Career and technical education courses or programs;
- e.* Programs for gifted and talented pupils;
- f.* Health services;
- g.* Preschool (including Head Start);
- h.* Before- and after-school child care;
- i.* Food and nutrition programs;
- j.* School counseling services to advise homeless students and prepare and improve the readiness of such students for college.

**33.10(2)** A district must include homeless students in its academic assessment and accountability system under the federal Every Student Succeeds Act, P.L. 114-95, and report disaggregated data regarding the academic achievement and graduation rates for homeless children, as set forth in that Act. [ARC 7434C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement the provisions of the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11431, et seq.), as reauthorized December 10, 2015, by Title IX, Part A, of the Every Student Succeeds Act.

[Filed 9/15/89, Notice 7/26/89—published 10/4/89, effective 11/8/89]

[Filed 6/17/04, Notice 5/12/04—published 7/7/04, effective 8/11/04]

[Filed ARC 3289C (Notice ARC 3089C, IAB 6/7/17), IAB 8/30/17, effective 10/4/17]

[Filed ARC 7434C (Notice ARC 7087C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]



TITLE X  
*VETERANS' TRAINING*

CHAPTER 51  
VETERANS' EDUCATION AND TRAINING

[Prior to 9/7/88, see Public Instruction Department[670] Ch 24]

Prior to 9/7/88, see Public Instruction Department[671] Chs 24 and 25

Prior to [publication of the AF], see Education Department[281] Chs 51 and 52

**281—51.1(256) Apprenticeships and on-the-job training programs for veterans.** For approval of apprenticeships and on-the-job training programs, the following provisions of the Code of Federal Regulations, as of October 4, 2023, are incorporated by reference: 38 CFR Sections 21.4001 through 21.4009, 21.4150 through 21.4155, 21.4200 through 21.4206, 21.4209 through 21.4216, 21.4234, 21.4261, and 21.4262.

[ARC 7422C, IAB 12/27/23, effective 1/31/24]

**281—51.2(256) Educational institutions.** For approval of educational institutions, the following provisions of the Code of Federal Regulations, as of October 4, 2023, are incorporated by reference: 38 CFR Sections 21.4001 through 21.4009, 21.4150 through 21.4155, 21.4200 through 21.4206, 21.4209 through 21.4216, 21.4232 through 21.4236, 21.4250 through 21.4259, and 21.4263 through 21.4268.

[ARC 7422C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement 38 CFR Part 21.

[Filed 7/1/52]

[Filed 8/19/88, Notice 6/29/88—published 9/7/88, effective 10/12/88]

[Filed 3/14/03, Notice 2/5/03—published 4/2/03, effective 5/7/03]

[Filed ARC 7422C (Notice ARC 7093C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]





CHAPTER 52  
APPROVAL OF EDUCATIONAL INSTITUTIONS  
FOR THE EDUCATION AND TRAINING OF ELIGIBLE VETERANS  
UNDER THE MONTGOMERY G.I. BILL  
[Prior to 9/7/88, see Public Instruction Department[670] Ch 25]  
Rescinded **ARC 7422C**, IAB 12/27/23, effective 1/31/24

CHAPTERS 53 and 54  
Reserved

CHAPTER 55  
EDUCATIONAL DATA PROCESSING  
Rescinded, IAB 9/7/88

TITLE XI  
*VOCATIONAL REHABILITATION EDUCATION*

CHAPTER 56  
IOWA VOCATIONAL REHABILITATION SERVICES  
[Prior to 9/7/88, see Public Instruction Department[670] Ch 35]  
Transferred to 877—Chapter 33, IAC Supplement 8/23/23

CHAPTER 57  
Reserved



TITLE XII  
*PROGRAMS ADMINISTRATION*

CHAPTER 58

SCHOOL BREAKFAST AND LUNCH PROGRAM; NUTRITIONAL  
CONTENT STANDARDS FOR OTHER FOODS AND BEVERAGES

[Prior to 9/7/88, see Public Instruction Department[670] Ch 10]

**281—58.1(256,283A) School breakfast and lunch program.** The following regulations from the United States Department of Education’s Food and Nutrition Service governing the National School Lunch and School Breakfast programs and effective as of January 31, 2024, are incorporated by reference: 7 CFR Parts 210, 215, 220, 225, 226, 227, 235, 240, 245, and 250, as well as related procurement regulations at 2 CFR Sections 200.317 through 200.326.  
[ARC 7428C, IAB 12/27/23, effective 1/31/24]

**281—58.2(256) Nutritional content standards for other foods and beverages.** The following regulation, as of January 31, 2024, is incorporated by reference: 7 CFR Section 210.11.  
[ARC 7428C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code chapter 283A and sections 256.7(29) and 256.9(51).

[Filed prior to 7/4/52]

[Filed 3/27/81, Notice 2/4/81—published 4/15/81, effective 5/20/81]

[Filed 8/19/88, Notice 6/29/88—published 9/7/88, effective 10/12/88]

[Filed 11/19/93, Notice 9/29/93—published 12/8/93, effective 1/12/94]

[Filed 8/2/02, Notice 6/26/02—published 8/21/02, effective 9/25/02]

[Filed ARC 7782B (Notice ARC 7503B, IAB 1/14/09), IAB 5/20/09, effective 7/1/10]

[Filed ARC 1432C (Notice ARC 1341C, IAB 2/19/14), IAB 4/30/14, effective 6/4/14]

[Filed ARC 7428C (Notice ARC 7094C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]



CHAPTER 59  
GIFTED AND TALENTED PROGRAMS

[Prior to 9/7/88, see Public Instruction Department[670] Ch 56]  
[Former Ch 59 Rescinded IAB 9/7/88]

**281—59.1(257) General principles.** Gifted and talented programs shall be provided by a school district and may be made available to eligible students as a cooperative effort between school districts or through cooperative arrangements between school districts and other educational agencies. It is the responsibility of school districts to ensure that the programs comply with state statute and this chapter.  
[ARC 7433C, IAB 12/27/23, effective 1/31/24]

**281—59.2(257) Definitions.** For the purposes of this chapter, the following definitions apply:

“*Department*” means the department of education.

“*Gifted and talented students*” means the same as “gifted and talented children” as defined in Iowa Code section 257.44. For purposes of that section, the following definitions apply:

1. “Creative thinking” refers to students who have advanced insight, outstanding imagination and innovative reasoning ability. Such students possess outstanding ability to integrate seemingly unrelated information in formulating unique ideas, insights, solutions, or products.

2. “General intellectual ability” refers to students who can learn at a faster pace, master higher levels of content and handle abstract concepts at a significantly higher level than expected, given the student’s chronological age and experiences.

3. “Leadership ability” refers to those students who possess outstanding potential or demonstrated ability to exercise influence on decision making. These students may be consistently recognized by their peers, may demonstrate leadership behavior through school and nonschool activities or may evidence personal skills and abilities that are characteristic of effective leaders.

4. “Specific ability aptitude” refers to those students who have exceptionally high achievement or potential and a high degree of interest in a specific field of study.

5. “Visual or performing arts ability” refers to students who demonstrate or indicate potential for outstanding aesthetic production or creativity in areas such as art, dance, music, drama, and media production.

“*Program budget*” is a budget consisting of a listing of the estimated direct program expenditures, by function and object, that are necessary to accomplish the goals of the program in meeting the needs of identified students, along with a listing of the sources of revenue and, if necessary, the amounts of fund balance to be applied.

[ARC 7433C, IAB 12/27/23, effective 1/31/24]

**281—59.3(257) Program plan.** The program plan submitted by school districts will include the elements set forth in Iowa Code section 257.43.

[ARC 7433C, IAB 12/27/23, effective 1/31/24]

**281—59.4(257) Responsibilities of school districts.** A school district’s program under this chapter shall meet the following criteria:

**59.4(1) *Development of goals and objectives.*** A school district will establish goals and objectives for the following:

- a. Curriculum and instructional strategies.
- b. Student outcomes.
- c. Program management and administration.
- d. Program development.

**59.4(2) *Development of curriculum and instructional strategies.*** The program of instruction will consist of content and teaching strategies that reflect the accelerative pace, intellectual processes and creative abilities that characterize gifted and talented students. A linkage among the selection of students, the anticipated student outcomes and the special instructional programs will be evident. Learning activities will provide for the development of skills that are beyond the scope of the regular classroom, introduce advanced concepts and contents, and offer students a greater latitude of inquiry

than would be possible without the specialized instructional program. Specialized instructional activities are those not ordinarily found in the regular school program and may include the following:

*a.* A special curriculum supplementing the regular curriculum, using a high level of cognitive and affective concepts and processes.

*b.* Flexible instructional arrangements, such as special classes, seminars, resource rooms, independent study, student internships, mentorships, research field trips, and research centers.

**59.4(3) *Student enrollment.*** Students will be involved in a gifted and talented program for a sufficient portion of the regularly scheduled school time to ensure that projected student outcomes are likely to be achieved.

**59.4(4) *Personalized education plan.*** Best practice dictates that the services provided for each student placed in a gifted and talented program be contained in a written, personalized gifted and talented plan. Personalized education plans should be in writing and reviewed at periodic intervals in accordance with the changing needs of the student. The following items are suggested for inclusion in a student's personalized education plan, but this is neither a mandatory nor an exhaustive list:

*a.* Relevant background data, assessment of present needs and projections for future needs. Relevant information may include the student's leadership ability, interest inventories, learning characteristics, and learning goals.

*b.* The nature and extent of the gifted and talented services provided to the student, including indirect services, such as consultative services or other supportive assistance provided to a regular classroom teacher. Other services may include modifications to curriculum and acceleration of the student's curriculum.

*c.* Personnel responsible for the services provided to the student, as well as those responsible for monitoring and evaluating the student's progress.

**59.4(5) *Student identification criteria and procedures.*** Students will be placed in a gifted and talented program in accordance with systematic and uniform identification procedures that encompass all grade levels and that are characterized by the following:

*a.* Identification will be for the purpose of determining the appropriateness of placement in a gifted and talented program, rather than for categorically labeling a student.

*b.* The decision to provide a student with a gifted and talented program will be based on a comprehensive appraisal of the student, consideration of the nature of the available gifted and talented program and an assessment of actual and potential opportunities within the student's regular school program.

*c.* Multiple criteria will be used in identifying a student, with no single criteria eliminating a student from participation. Criteria will combine subjective and objective data, including data with direct relevance to program goals, objectives and activities.

*d.* In the event that the number of eligible students exceeds the available openings, participants will be selected according to the extent to which they can benefit from the program.

*e.* Each identified student's progress will be reviewed at least annually to consider modifications in program or student placement.

**59.4(6) *Evaluation.*** The school district will give attention to the following in its evaluation design:

*a.* Evaluation of gifted and talented programs will be for the purpose of measuring program effects and providing information for program improvement.

*b.* Evaluation should be conducted for each program level where objectives have been established.

*c.* Both cognitive and affective components of student development should be evaluated.

*d.* Evaluation findings should report results based on actual accomplishments by the gifted and talented students or their teachers, which are a direct result of the project, program, or activity.

**59.4(7) *Staff utilization plan.*** Staff will be deployed to ensure quality gifted and talented programs by employing the following procedures:

*a.* A designated staff person will be responsible for the overall program coordination throughout the school district.

*b.* The teaching staff of the gifted and talented program should work with the regular classroom teachers to assess, plan, carry out instruction, and evaluate outcomes.

c. Coordination time will be made available to staff providing gifted and talented programs to allow staff to perform professional responsibilities.

**59.4(8) *Staff professional development.*** Periodic professional development will be offered for all classroom teachers to maintain and update understandings and skills about individualizing programs for identified gifted and talented students. A staff development plan for personnel responsible for gifted and talented programs will be provided and will be based upon the assessed needs of the gifted and talented instructional and supervisory personnel.

**59.4(9) *Qualifications of personnel.*** Instructional personnel providing programs for gifted and talented students should have preservice or in-service preparation in gifted and talented education that is commensurate with the extent of their involvement in the gifted and talented program. The gifted and talented program teacher-coordinator will hold an endorsement allowing the holder to serve as a teacher or a coordinator of programs for gifted and talented students from the prekindergarten level through grade 12.

**59.4(10) *Fiscal and accountability principles.***

a. When programs are jointly provided by two or more school districts or by a school district in cooperation with another educational agency, the budget will specify how each cooperating school district or agency will determine the portion of the program costs to be provided by each school district or agency and will provide a budget that specifies the contribution of each school district or agency.

b. Gifted and talented categorical funding will be used only for expenditures directly related to providing the gifted and talented program described in the program plan. Appropriate expenditures, inappropriate expenditures, and financial management provisions are set forth in 281—Chapter 98.

c. School districts will include and identify the detail of financial transactions related to gifted and talented resources, expenditures, and carryforward balances on their certified annual report, using the account coding appropriate to the gifted and talented program as defined by Uniform Financial Accounting for Iowa LEAs and AEAs, as effective on January 31, 2024. Each school district will certify its certified annual report following the close of the fiscal year but no later than September 15.

[ARC 7433C, IAB 12/27/23, effective 1/31/24]

## **281—59.5(257) Responsibilities of area education agencies.**

**59.5(1)** When a written request is received from one or more local school boards, an area education agency will establish and operate a gifted and talented children advisory council under Iowa Code sections 257.48 and 257.49.

**59.5(2)** Staff of the area education agency will cooperate with school districts in the identification and placement of gifted and talented students. Cooperation may include:

- a. Assisting local school district personnel in the interpretation of available student data.
- b. Assistance in the development of the identification plan.
- c. Providing for psychological testing in individual cases when available data contains significant inconsistencies or in other circumstances when additional data may be necessary for determining the appropriateness of the student placement.

[ARC 7433C, IAB 12/27/23, effective 1/31/24]

**281—59.6(257) Responsibilities of the department.** The department will review documentation submitted by school districts and area education agencies regarding the school districts' and area education agencies' gifted and talented programs and financial transactions. The department may request that the staff of the auditor of state conduct an independent program audit to verify that the gifted and talented programs conform to a school district's program plans. The department will provide technical assistance to school districts and to area education agencies in the development of gifted and talented programs.

[ARC 7433C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code sections 257.42 through 257.49.

[Filed emergency 2/9/79—published 3/7/79, effective 2/9/79]

[Filed emergency 5/16/80—published 6/11/80, effective 5/19/80]

[Filed emergency 9/12/80—published 10/1/80, effective 9/15/80]

[Filed 8/19/88, Notice 6/29/88—published 9/7/88, effective 10/12/88]

[Filed 1/18/94, Notice 10/27/93—published 2/2/94, effective 3/9/94]

[Filed 9/9/94, Notice 7/6/94—published 9/28/94, effective 11/2/94]

[Filed ARC 8382B (Notice ARC 8052B, IAB 8/26/09), IAB 12/16/09, effective 1/20/10]

[Filed ARC 7433C (Notice ARC 7081C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]



CHAPTER 60  
PROGRAMS FOR STUDENTS WHO ARE ENGLISH LEARNERS  
[Prior to 9/7/88, see Public Instruction Department[670] Ch 57]

**281—60.1(280) Definitions.** As used in these rules, the following definitions apply:

*“Bilingual instruction”* refers to a program of instruction in English and the native language of the student designed to enable students to become proficient in English and in academic content areas at an age- and grade-appropriate level.

*“Educational and instructional model”* means an instructional model, strategy, method, or skill that provides a framework of instructional approaches to guide decision making about teaching and learning. Based on the needs of particular students, “educational and instructional model” may include a specific set of instructional services or a fully developed curriculum or other supplementary services.

*“English as a second language”* refers to a structured language acquisition program designed to teach English to students whose native language is other than English, until the student demonstrates a functional ability to speak, read, write, and listen to English language at the age- and grade-appropriate level.

*“English learner”* means the same as defined in Iowa Code section 280.4(1) “b.”

*“Fully English proficient”* means the same as defined in Iowa Code section 280.4(1) “b.”

*“Intensive student”* means the same as defined in Iowa Code section 280.4(1) “b.”

*“Intermediate student”* means the same as defined in Iowa Code section 280.4(1) “b.”

*“Research-based”* means based on a body of research showing that the educational and instructional model, or other educational practice, has a high likelihood of improving teaching and learning. To determine whether research meets this standard for purposes of this chapter, research reports are reviewed for the following:

1. The specific population studied;
2. Research that involves the application of rigorous, systematic, and objective procedures to obtain reliable results and provide a basis for valid inferences relevant to education activities and programs;
3. Whether the research employs systematic, empirical methods that draw on observation or experiment;
4. Reliance on measurement or observational methods that provide reliable and valid data;
5. Inclusion of rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions or inferences drawn;
6. Description of the magnitude of the impact on student learning results; and
7. Inclusion of the level of the review of the study.

[ARC 7424C, IAB 12/27/23, effective 1/31/24]

**281—60.2(280) School district responsibilities.**

**60.2(1) Student identification and assessment.** A school district shall use the following criteria in determining a student’s eligibility:

*a.* To determine the necessity of conducting an English language assessment, the district includes a home language survey as part of the registration process. If the answers to the home language survey indicate the prominent use of another language in the home, the student is assessed by the district using the state-approved English language proficiency screener assessment to determine eligibility for language development services. A student scoring proficient is not eligible for services. If a student does not score proficient on the screener assessment, the student is determined to be an English learner.

*b.* The student is assessed annually on the state’s approved summative English language proficiency assessment aligned to the state’s English language proficiency standards in order to determine progress and attainment of English. A consistent plan of evaluation that includes ongoing evaluation of student progress will be developed and implemented by the district for each student so identified.

**60.2(2) Staffing.** Teachers in an English as a second language (ESL) program will possess a valid Iowa teaching license and an ESL endorsement.

**60.2(3) *English learner placement.*** Placement of students identified as English learners will be in accordance with the following:

*a. Content classes.* Students will be placed in classes with age-appropriate peers. Students will be provided instructional strategies to support content learning at all levels of language proficiency.

*b. English learner program placement.*

(1) Students enrolled in a program for English learners receive systematic English language instruction designed to allow meaningful access to the district's educational programs.

(2) When students of different age groups or educational levels are combined in the same class, the school ensures that the instruction given is appropriate to each student's level of educational attainment. Programs will be research-based and grounded in sound language acquisition theory.

(3) A program of bilingual instruction may include the participation of students whose native language is English.

(4) A student exits the English language development program upon scoring proficient on the state-approved annual summative English language proficiency assessment.

(5) All district instructional staff and area education agency (AEA) staff responsible for implementing the educational and instructional models defined in rule 281—60.1(280) receive such professional development as may be necessary to implement those educational and instructional models. Such professional development is delivered in accordance with 281—Chapter 83, including qualification of providers. In determining whether providers meet the standards in 281—Chapter 83, the following nonexhaustive factors may be considered, as they are relevant to the particular professional development to be provided:

1. ESL endorsement or equivalent;
2. Five years of ESL teaching experience; or
3. A graduate degree in teaching English to speakers of other languages or in a related field.

**60.2(4) *Research-based educational and instructional models.*** Districts will utilize research-based educational and instructional models as defined in rule 281—60.1(280) with English learners so that such students may acquire English proficiency and meet high academic standards.

[ARC 7424C, IAB 12/27/23, effective 1/31/24]

**281—60.3(280) Department responsibility.** The department of education will provide technical assistance to school districts, including advising and assisting schools in planning, implementation, and evaluation of programs for English learners.

[ARC 7424C, IAB 12/27/23, effective 1/31/24]

**281—60.4(280) Nonpublic school participation.**

**60.4(1) *General.*** A nonpublic school provides services under this chapter; however, the standard for services, if the nonpublic school does not receive services pursuant to subrule 60.4(2), is to make minor adjustments to curriculum and instruction.

**60.4(2) *Public school services.*** English as a second language and transitional bilingual programs offered by a public school district are available to students attending an accredited nonpublic school located within the district. The district obtains funding for such students in accordance with rule 281—60.5(280).

[ARC 7424C, IAB 12/27/23, effective 1/31/24]

**281—60.5(280) Funding.**

**60.5(1) *Weighting.*** Weighting for English learners is set forth in Iowa Code section 280.4(3). A student's eligibility for additional weighting is transferable to another district of residence.

**60.5(2) *Supplemental aid or modified supplemental amount.*** In addition to weighting, the school budget review committee (SBRC) may grant supplemental aid or a modified supplemental amount for an unusual need to continue funding beyond the five years of weighting or for costs in excess of the weighting to provide instruction to English learners above the costs of regular instruction.

*a.* A school district of residence may apply to the SBRC by the date specified in rule 289—6.3(257) for supplemental aid or a modified supplemental amount for an unusual need for funding beyond the

amount generated from weighting for students identified as English learners who are provided instruction beyond the regular instruction. The eligible supplemental aid or modified supplemental amount will be calculated as the total actual English learner program expenditures for the previous year, reduced by the English learner funding generated in the previous budget year based on the English learner count on the certified enrollment in the previous year, and reduced by any other grants, carryover, or other resources provided to the district for this program.

*b.* A district of residence may apply to the SBRC for supplemental aid or a modified supplemental amount for an unusual need to continue funding beyond the five years of weighting no later than December 1 following the date specified in Iowa Code section 257.6(1) for the certified enrollment. The supplemental aid or modified supplemental amount will be calculated by multiplying the number of resident students identified as English learners who are provided instruction beyond the regular instruction, and who are being served beyond the five years of weighting on the certified enrollment, by the weighting provided under subrule 60.5(1), multiplied by the district cost per pupil in the current year.

*c.* The SBRC will act on the requests described in paragraphs 60.5(2) “*a*” and “*b*” no later than its March regular meeting. If the SBRC grants the district’s request for supplemental aid or a modified supplemental amount, the department of management will increase the district’s budget authority by that amount.

The SBRC may require the district to appear at a hearing to discuss its request for supplemental aid or a modified supplemental amount.

**60.5(3) *Use of funds.*** English learner funding is categorical funding and follows the general provisions in 281—Chapter 98. Appropriate expenditures for the English learner program are those that are direct costs of providing instruction that supplement, but do not supplant, the costs of the regular curriculum. Appropriate and inappropriate expenditures are set forth in 281—Chapter 98.

**60.5(4) *Annual reporting.*** Districts will include and identify the detail of financial transactions related to English learner resources, expenditures, and carryforward balances on their certified annual report, using the account coding appropriate to the English learner program as defined by the Uniform Financial Accounting Manual for Iowa LEAs and AEAs, in effect on January 31, 2024. Each district submits its certified annual report following the close of the fiscal year but no later than September 15.

[ARC 7424C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code sections 256.7(31) “*c*,” 257.31(5) “*j*” and 280.4.

[Filed 9/12/80, Notice 5/28/80—published 10/1/80, effective 11/5/80]

[Filed 1/16/81, Notice 11/12/80—published 2/4/81, effective 3/11/81]

[Filed 8/19/88, Notice 6/29/88—published 9/7/88, effective 10/12/88]

[Filed 1/14/94, Notice 9/29/93—published 2/2/94, effective 3/9/94]

[Filed ARC 8383B (Notice ARC 8051B, IAB 8/26/09), IAB 12/16/09, effective 1/20/10]

[Filed ARC 1776C (Notice ARC 1675C, IAB 10/15/14), IAB 12/10/14, effective 1/14/15]

[Filed ARC 4528C (Notice ARC 4403C, IAB 4/24/19), IAB 7/3/19, effective 8/7/19]

[Filed ARC 5648C (Notice ARC 5464C, IAB 2/24/21), IAB 6/2/21, effective 7/7/21]

[Filed ARC 6079C (Notice ARC 5876C, IAB 8/25/21), IAB 12/15/21, effective 1/19/22]

[Filed ARC 6724C (Notice ARC 6584C, IAB 10/5/22), IAB 12/14/22, effective 1/18/23]

[Filed ARC 7424C (Notice ARC 7086C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]



CHAPTER 65  
PROGRAMS FOR AT-RISK EARLY ELEMENTARY STUDENTS

**281—65.1(279) Definitions.**

*“At-risk student”* means, for purposes of this chapter, a student in early elementary grades who is eligible for free or reduced price meals.

*“Awardee”* means a public school district designated to receive the at-risk early elementary school award funds for buildings serving early elementary grades with a high percentage of at-risk students.

*“Department”* means the department of education.

*“Early elementary grades”* means kindergarten through grade three.

[ARC 7429C, IAB 12/27/23, effective 1/31/24]

**281—65.2(279) Eligibility identification procedures.** In a year in which funds are made available by the Iowa legislature, the department will grant awards to districts for buildings serving early elementary grades with a high percentage of at-risk students. Using a formula determined by the department and consistent with Iowa Code section 279.51(1)“c,” the department will distribute awards based on the number of early elementary students in the identified buildings serving a high percentage of at-risk students.

[ARC 7429C, IAB 12/27/23, effective 1/31/24]

**281—65.3(279) Award acceptance process.** The department will notify eligible districts of the opportunity to be granted an award for a three-year cycle. A district will make formal acceptance using forms issued and procedures established by the department, and by an official with vested authority to approve the acceptance.

[ARC 7429C, IAB 12/27/23, effective 1/31/24]

**281—65.4(279) Awardee responsibilities.** Each year, the awardee will complete reports on forms provided by the department, including the following:

1. An initial report, including a proposed budget and expected outcomes.
2. An end-of-the-year report, including total expenditures and a statement of impact on expected outcomes.

[ARC 7429C, IAB 12/27/23, effective 1/31/24]

**281—65.5(279) Allowable expenditures.** School districts will provide, at a minimum, the activities set forth in Iowa Code section 279.51(1)“c.” Additional allowable expenditures include salaries and benefits for teachers and paraeducators, and activities and materials to improve academic achievement. These funds are to be used for instruction, activities, and materials that are in addition to the regular school curricula for children participating in these programs, and only to be used in the building for which the award is made. Inappropriate uses of award funding include indirect costs or use charges, operational or maintenance costs, capital expenditures, student transportation other than that which is directly related to the activities and materials described in this rule, or administrative costs. Moneys received are subject to the general provisions described in 281—Chapter 98.

[ARC 7429C, IAB 12/27/23, effective 1/31/24]

**281—65.6(279) Evaluation.** The awardee will cooperate with the department and provide requested information to determine how well the outcomes in rule 281—65.4(279) are being met. Statewide leadership teams will review final reports and provide useful feedback about buildings to awardees. This feedback will include information about innovative components to building programs. Buildings demonstrating innovation will be given preference the following grant cycle.

[ARC 7429C, IAB 12/27/23, effective 1/31/24]

**281—65.7(279) Budget revisions.** The department may grant approval to an awardee for any revisions in the proposed budget in excess of 10 percent of a line item, provided the revisions do not increase the total amount of the award.

[ARC 7429C, IAB 12/27/23, effective 1/31/24]

**281—65.8(279) Termination.**

**65.8(1) *Termination for convenience.*** The award may be terminated, in whole or in part, upon agreement of both parties, concerning the termination conditions, the effective date, and in the case of partial termination, the portion to be terminated. The awardee shall cancel as many outstanding obligations as possible and not incur new obligations for the terminated portion after the effective date of termination.

**65.8(2) *Termination for cause.***

*a.* The award may be terminated, in whole or in part, at any time before the date of completion, whenever the department determines, after notice and an opportunity to be heard, that the awardee has failed to comply substantially with the conditions of the award. The awardee will be notified in writing by the department of the reasons for the termination and the effective date. The awardee shall cancel as many outstanding obligations as possible and not incur new obligations for the terminated portion after the effective date of termination.

*b.* The department will administer the at-risk early elementary school awards contingent upon the availability of state funds. If there is a lack of funds necessary to fulfill the fiscal responsibility of the awards, the awards are to be terminated or renegotiated. The department may terminate or renegotiate an award upon 30 days' notice when there is a reduction of funds by executive order.

**65.8(3) *Responsibility of awardee at termination.*** Within 45 days of the effective date of award termination, the awardee will supply the department with a financial statement detailing all program expenditures up to the effective date of the termination. The awardee will be solely responsible for all expenditures after the effective date of termination.

[ARC 7429C, IAB 12/27/23, effective 1/31/24]

**281—65.9(279) Appeals from terminations.** Any awardee aggrieved by a unilateral termination of an award may appeal the decision to the director of the department in writing within 30 days of the decision to terminate.

**65.9(1) *Form of appeal.*** In the notice of appeal, the awardee will give a short and plain statement of the reason for the appeal.

**65.9(2) *Appeal procedures.*** The hearing procedures found at 281—Chapter 6 will apply to appeals of terminated awards. The director will issue a decision within a reasonable time, not to exceed 120 days from the date of hearing.

**65.9(3) *Grounds for reversal.*** Termination of an award under this chapter may be reversed only if the awardee proves the process was conducted outside of statutory authority; violated state or federal law, policy, or rule; did not provide adequate public notice; was altered without adequate public notice; or involved conflict of interest by staff or committee members.

**65.9(4) *Mandatory denial of appeal.*** In lieu of a decision on the merits of an appeal, the director of the department will deny an appeal if the director finds any of the following:

- a.* The appeal is untimely;
- b.* The appellant lacks standing to appeal;
- c.* The appeal is not in the necessary form or is based upon frivolous grounds;
- d.* The appeal is moot because the issues raised in the notice of appeal or at the hearing have been settled by the parties; or
- e.* The termination of the award was beyond the control of the department due to lack of available funds.

[ARC 7429C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code section 279.51.

[Filed emergency 1/5/90 after Notice 11/1/89—published 1/24/90, effective 1/5/90]

[Filed emergency 11/21/90—published 12/12/90, effective 11/21/90]

[Filed 4/15/94, Notice 3/2/94—published 5/11/94, effective 6/15/94]

[Filed ARC 3042C (Notice ARC 2939C, IAB 2/15/17), IAB 4/26/17, effective 5/31/17]

[Filed ARC 7429C (Notice ARC 7095C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]

CHAPTER 82  
STANDARDS FOR SCHOOL ADMINISTRATION MANAGER PROGRAMS

**281—82.1(272) Definitions.**

*“Coach”* means a person who provides regularly scheduled coaching visits to SAM/administrator teams.

*“Department”* means the department of education.

*“Director”* means the director of the department of education.

*“Organization”* means a professional organization offering an approved training program and support for SAMs.

*“SAM”* or *“school administration manager”* means a person or persons who are authorized to assist a school administrator in performing noninstructional administrative duties.

*“School administration manager program”* means a program of SAM training and preparation that leads to authorization to practice as a school administration manager.

*“State board”* means the Iowa state board of education.

*“Trainer”* means a person with responsibility for providing approved training for school administration managers.

[ARC 7419C, IAB 12/27/23, effective 1/31/24]

**281—82.2(272) Organizations eligible to provide a school administration manager training program.** Approved professional organizations engaged in the preparation and training of SAMs that meet the standards contained in this chapter may obtain and maintain state board approval of the organizations’ training programs for SAMs. Only approved programs may recommend candidates for SAM authorization.

[ARC 7419C, IAB 12/27/23, effective 1/31/24]

**281—82.3(272) Approval of training programs.** The state board’s approval of an organization’s training program is based on the recommendation of the director after study of the evidence about the program in terms of the standards contained in this chapter. The department will seek maximum flexibility in the design of systems allowed to meet the goals of this program.

**82.3(1)** Approval, if granted, will be for a term of seven years; however, approval for a lesser term may be granted by the state board if it determines conditions so warrant.

**82.3(2)** If approval is not granted, the applicant organization will be advised concerning the areas in which improvement or changes appear to be essential for approval. In this case, the organization will be given the opportunity to present factual information concerning its program at a regularly scheduled meeting of the state board, no later than three months following the board’s decision.

**82.3(3)** Programs may be granted conditional approval upon review of appropriate documentation. In such an instance, the program will receive a full review after one year or, in the case of a new program, at the point at which candidates demonstrate mastery of standards for authorization.

**82.3(4)** The standards herein apply regardless of delivery mode of the training.

**82.3(5)** All programs in existence prior to July 31, 2013, are deemed to meet program standards without having to submit an application for review.

[ARC 7419C, IAB 12/27/23, effective 1/31/24]

**281—82.4(272) Governance and resources standard.** To be an approvable organization, an organization’s governance structure and resources adequately support the training of SAMs to meet professional, state, and organizational standards in accordance with the following provisions:

**82.4(1)** The organization provides sufficient trainers, coaches, and administrative, clerical, and technical staff to plan and deliver a quality SAM program.

**82.4(2)** Resources are available to support professional development opportunities for trainers of SAMs.

**82.4(3)** Resources are available to support technological and instructional needs to enhance trainer and authorized SAM learning.

[ARC 7419C, IAB 12/27/23, effective 1/31/24]

**281—82.5(272) Trainer and coach standard.** An approved organization's trainer and coach qualifications and performance facilitate the professional development of SAMs.

[ARC 7419C, IAB 12/27/23, effective 1/31/24]

**281—82.6(272) Assessment system and organization evaluation standard.** An organization's assessment system monitors individual candidate performance and uses the performance data in concert with other information to evaluate and improve the organization and its program. The actual annual evaluation of each SAM is performed by the administrator or the administrator's designee, and the evaluation is conducted in accordance with the standards set forth in rule 281—82.7(272). The organization will annually report data to the department, as determined by the department. The department will periodically conduct a survey of schools or facilities that employ authorized SAMs to ensure that the schools' and facilities' needs are adequately met by the programs and the approval process herein.

[ARC 7419C, IAB 12/27/23, effective 1/31/24]

**281—82.7(272) School administration manager knowledge and skills standards and criteria.** SAMs will demonstrate the content knowledge and professional knowledge and skills in accordance with the following standards and supporting criteria.

**82.7(1) Standard 1.** Each SAM will demonstrate an understanding of the instructional and management codes and how to best support the SAM's administrator in instructional leadership. If a SAM is also employed as a secretary or administrative assistant, the SAM's job responsibilities will be modified as established by the school district.

**82.7(2) Standard 2.** Each SAM will attend an approved training program at the onset of the SAM's hire. The training for the SAM and administrator will include the following:

- a. Background information on SAMs.
- b. Understanding of the instructional and management descriptors.
- c. Introduction and practice using approved time-tracking software.
- d. First responders and delegation responsibilities.
- e. Job responsibilities and variations.
- f. Daily meeting protocols.
- g. Training of office staff on communication with others.
- h. Use of reflective questions.
- i. Understanding of conflict resolution skills.
- j. Action planning for building implementation and timelines.
- k. SAM/administrator rubric process.

**82.7(3) Standard 3.** Each SAM will demonstrate competence in technology appropriate to the SAM's position.

**82.7(4) Standard 4.** Each SAM will demonstrate appropriate personal skills. The SAM:

- a. Is an effective communicator with all stakeholders, including but not limited to colleagues, community members, parents, and students.
- b. Works effectively with employees, students, and other stakeholders.
- c. Maintains confidentiality when dealing with student, parent, and staff issues.
- d. Clearly understands the administrator's philosophy of behavior expectations and consequences.
- e. Maintains an environment of mutual respect, rapport, and fairness.
- f. Participates in and contributes to a school culture that focuses on change in teacher practices and improved student learning by supporting the administrator in the administrator's instructional leadership role.

**82.7(5) Standard 5.** Each SAM will fulfill professional responsibilities as established by the SAM's school district.



**82.7(6) Standard 6.** Each SAM will engage in professional growth that continuously improves the SAM's skills of professional inquiry and learning.  
[ARC 7419C, IAB 12/27/23, effective 1/31/24]

**281—82.8(272) Monitoring and continued approval.** Upon request by the department, programs will make periodic reports, which include basic information necessary to maintain up-to-date data of the SAM program and to carry out research studies relating to SAMs. Every seven years or sooner if deemed necessary by the director, an organization will file a written self-evaluation of its SAM program. Any action for continued approval or denial of approval will be approved by the state board.  
[ARC 7419C, IAB 12/27/23, effective 1/31/24]

**281—82.9(272) Approval of program changes and flexibility of programs.** Upon application by an organization, the director may approve minor additions to or changes within the organization's approved SAM program. When an organization proposes a revision that exceeds the primary scope of the organization's program, the revision becomes operative only after approval by the state board. Districts may have a variety of programs and job descriptions that meet the standards of a SAM system but must receive permission to make changes to those programs in the manner prescribed. The department will seek maximum flexibility in systems allowed to meet the goals of this program. Essential components of any approved SAM program include readiness, data collection of administrator time, ongoing training of the program administrator, use of time-tracking software and ongoing coaching for participants in the program.  
[ARC 7419C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code section 256.7(30) "b."

[Filed ARC 0813C (Notice ARC 0694C, IAB 4/17/13), IAB 6/26/13, effective 7/31/13]

[Filed ARC 7419C (Notice ARC 7096C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]



CHAPTER 84  
FINANCIAL INCENTIVES FOR NATIONAL BOARD CERTIFICATION

**281—84.1(256) Definitions.** For the purpose of these rules, the following definitions apply:

*“A person who receives a salary as a classroom teacher”* means a teacher employed by a school district in Iowa who receives any salary compensation from the school district for providing classroom instruction to students in the district.

*“Department”* means the Iowa department of education.

*“Director”* means the director of the Iowa department of education.

*“Employed by a school district in Iowa”* means a teacher employed in a nonadministrative position in an Iowa school district pursuant to a contract issued by a board of directors of a school district under Iowa Code section 279.13 and any full-time permanent substitute teacher who is employed under individual contracts not included under Iowa Code section 279.13 but who is receiving retirement and health benefits as part of the substitute teacher’s contract.

*“National Board Certification”* or *“NBC”* is a nationwide certification program administered by the National Board for Professional Teaching Standards.

*“National Board for Professional Teaching Standards”* or *“NBPTS”* is a private nonprofit organization whose goal is to develop professional standards for early childhood, elementary and secondary school teaching. NBPTS administers the NBC program.

*“School district”* means a public school district under Iowa Code chapter 274.

*“Teacher”* means an Iowa-licensed teacher as defined in Iowa Code section 272.1.

[ARC 7423C, IAB 12/27/23, effective 1/31/24]

**281—84.2(256) Registration fee reimbursement program.** The department will administer a registration fee reimbursement program in each year for which the legislature appropriates funds.

**84.2(1) Eligibility.** Teachers seeking reimbursement under this rule will apply to the department within one year of registration with NBPTS and meet all of the following qualifications:

- a. The individual has all qualifications required by NBPTS for application for certification.
- b. The individual is a teacher employed by a school district in Iowa and receives a salary as a classroom teacher.
- c. The individual completes the department’s application process, which includes verifying NBC registration.
- d. The individual has not received reimbursement from this program at any previous time.

**84.2(2) Reimbursement.** Teachers determined eligible will receive reimbursement in the following manner:

a. *Initial registration fee reimbursement.* Each eligible teacher will receive an initial reimbursement of one-half of the reimbursement fee charged by NBPTS or, if necessary, a prorated amount upon submission to the department of the NBC registration confirmation form provided to each teacher by NBPTS.

b. *Final registration fee reimbursement.* The final registration fee reimbursement of one-half of the reimbursement fee charged by NBPTS will be awarded when the eligible teacher notifies the department of the teacher’s certification achievement and submits verification of certification. If an eligible teacher fails to receive certification, the teacher can receive the remaining reimbursement if the teacher achieves certification within three years of the initial NBC score notification.

c. *Amount of reimbursement.* If funds are appropriated by the legislature, each eligible teacher who applies under this rule will receive the registration fee reimbursement. If in any fiscal year the number of eligible teachers who apply for the reimbursement exceeds the funds available, the department will prorate the amount of the registration fee reimbursement among all eligible teachers.

[ARC 7423C, IAB 12/27/23, effective 1/31/24]

**281—84.3(256) NBC annual award.** If funds are appropriated by the legislature, each eligible NBC teacher will qualify for an NBC annual award. If in any fiscal year the funds appropriated are insufficient to pay the maximum amount of the annual awards to each eligible teacher or the number of teachers

eligible to receive annual awards exceeds 1,100 individuals, the department will prorate funds among all eligible teachers. An eligible teacher who receives NBC certification after May 1, 2000, will receive an annual award of up to \$2,500 per year or a prorated amount for a maximum period of ten years. An otherwise-eligible teacher who possesses a teaching contract that is less than full-time will receive an award prorated to reflect the type of contract (half-time, quarter-time, etc.).

**84.3(1) *Eligibility.*** In addition to having registered with NBPTS and achieving certification within NBPTS-established timelines and policies, individuals eligible for the NBC annual award will meet all of the following qualifications:

- a.* The individual is a teacher who has attained NBC certification.
- b.* The individual is employed by a school district in Iowa and receives a salary as a classroom teacher.
- c.* The individual completes the department's annual application process, in a manner prescribed by the department.
- d.* The individual has received no more than ten annual awards, including the annual award currently sought.
- e.* The individual is applying for the award within one year of being eligible for the award.

**84.3(2) *Application.*** To receive an award under this rule, an NBC teacher will submit an application verifying eligibility for an NBC award to the department by May 1. The department will issue NBC awards to eligible NBC teachers no later than June 1.

[ARC 7423C, IAB 12/27/23, effective 1/31/24]

**281—84.4(256) Appeal of denial of a registration fee reimbursement award or an NBC annual award.** Any applicant may appeal the denial of a registration fee reimbursement award or an NBC annual award to the director of the department. Appeals will be in writing, signed, and notarized; will contain a short and plain statement of the reasons for appeal; will be based on a contention that the process was conducted outside statutory authority or violated state or federal law, regulation or rule; and will be received within ten working days of the date of the notice of denial. The hearing and appeal procedures found in 281—Chapter 6 that govern the director's decisions will apply to proceedings under this rule. The director's decision is due within a reasonable time, not to exceed 30 days from the date of the hearing.

[ARC 7423C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code section 256.44.

[Filed emergency 9/16/98—published 10/7/98, effective 9/16/98]

[Filed 11/19/98, Notice 10/7/98—published 12/16/98, effective 1/20/99]

[Filed emergency 8/16/99—published 9/8/99, effective 8/16/99]

[Filed 10/21/99, Notice 9/8/99—published 11/17/99, effective 12/22/99]

[Filed 6/4/04, Notice 2/4/04—published 6/23/04, effective 7/28/04]

[Filed 11/20/08, Notice 8/27/08—published 12/17/08, effective 1/21/09]

[Filed ARC 0523C (Notice ARC 0301C, IAB 8/22/12), IAB 12/12/12, effective 1/16/13]

[Filed ARC 7423C (Notice ARC 7097C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]

CHAPTER 95  
EQUAL EMPLOYMENT OPPORTUNITY  
AND AFFIRMATIVE ACTION IN EDUCATIONAL AGENCIES

**281—95.1(19B) Definitions.** The following definitions will be applied to the rules in this chapter:

*“Affirmative action”* means action appropriate to overcome the effects of past or present practices, policies, or other barriers to equal employment opportunity.

*“Agency”* means a local school district, an area education agency or a community college.

*“Availability”* means the extent to which members of a racial/ethnic group, women, men or persons with disabilities are present within the relevant labor market.

*“Department”* means the Iowa department of education.

*“Director of education”* means the director of the Iowa department of education.

*“Equal employment opportunity”* means equal access to employment, training and advancement, or employment benefits regardless of race, creed, color, religion, sex, age, national origin and disability.

*“Metropolitan statistical area”* means a large population nucleus (over 50,000 persons) and nearby communities which have a high degree of economic and social integration with that nucleus. Each area consists of one or more entire counties.

*“Person with a disability”* means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment or is regarded as having such an impairment, as defined in Iowa Code section 216.2.

*“Racial/ethnic minority person”* means any person who is African American, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native.

*“Relevant labor market”* means the geographic area in which an agency can reasonably be expected to recruit for a particular job category.

*“Underrepresentation”* means having fewer members of a racial/ethnic group, women, men or persons with disabilities in a particular job category than would be reasonably expected based on their availability in the relevant labor market.

*“Work force”* means an agency’s full-time and part-time employees.

[ARC 7430C, IAB 12/27/23, effective 1/31/24]

**281—95.2(19B) Equal employment opportunity standards.** An agency’s employment policies and practices shall provide equal employment opportunity to all persons. No person may be denied equal access to agency employment opportunities because of race, creed, color, religion, national origin, gender, age or disability.

[ARC 7430C, IAB 12/27/23, effective 1/31/24]

**281—95.3(19B) Duties of boards of directors.** Each agency’s board of directors will adopt policy statements and develop plans for implementation of equal employment opportunity standards and affirmative action programs, which contain the following elements:

1. A policy statement outlining the board of directors’ commitment to the principles of equal employment opportunity and affirmative action, which contain procedures for employees and applicants for employment to redress complaints of discrimination.

2. A written equal employment opportunity and affirmative action plan, to be evaluated and updated on a biennial basis.

3. Assignment of responsibility to an employee for coordinating the development and ongoing implementation of the plans. This employee may be the same employee who has been assigned to coordinate the agency’s efforts to comply with federal laws requiring nondiscrimination in educational programs and employment.

4. Systematic input from diverse racial/ethnic groups, women, men and persons with disabilities into the development and implementation of the plans, which may include using existing advisory committees or public hearing procedures.

5. Periodic training for all staff who hire or supervise personnel on the principles of equal employment opportunity and the implementation of its affirmative action plan.

6. Maintenance of necessary records to document its affirmative action progress. An agency will report employment data to the department by racial/ethnic category, gender and disability.  
[ARC 7430C, IAB 12/27/23, effective 1/31/24]

**281—95.4(19B) Plan components.** In addition to the board policy statement, each agency's equal employment opportunity and affirmative action plan will include, at a minimum, the following components:

**95.4(1) General.**

*a.* The name, job title, address and phone number of the employee responsible for coordinating the development and implementation of the equal employment opportunity and affirmative action plans.

*b.* An administrative statement on how the agency's equal employment opportunity and affirmative action policies and plans are to be implemented, including the internal system for auditing and reporting progress, to be signed and dated by the chief executive officer of the agency.

*c.* A work force analysis showing the numerical and percentage breakdown of the agency's full-time and part-time employees within each major job category (consistent with the E.E.O. 5 and E.E.O. 6 occupational categories reported to the United States Equal Employment Opportunity Commission) by racial/ethnic group, gender, and disability. For the purpose of confidentiality, disability data may be based on total agency figures, rather than those of major job categories.

*d.* A quantitative analysis comparing work force analysis figures with the availability of qualified or qualifiable members of racial/ethnic groups, women, men and persons with disabilities within the relevant labor market.

*e.* When underrepresentation is identified in one or more major job category, the agency will conduct a qualitative analysis to be included in the agency's affirmative action plan. The qualitative analysis is a review of employment policies and practices to determine if and where those policies and practices tend to exclude, disadvantage, restrict or result in adverse impact on the basis of racial/ethnic origin, gender, or disability. The analysis may include, but is not limited to the review of:

- (1) Recruitment practices and policies;
- (2) A demographic study of the applicant pool and flow;
- (3) The rate and composition of turnover in major job categories;
- (4) Trends in enrollment that will affect the size of the work force;
- (5) Application and application screening policies and practices;
- (6) Interview, selection, and placement policies and practices;
- (7) Transfer and promotion policies and practices;
- (8) Discipline, demotion, termination, and reduction in force policies and practices;
- (9) Employee assistance, training selection, and mentoring policies and practices;
- (10) The impact of any collective bargaining agreement on equal employment opportunity and the affirmative action process;
- (11) Law, policies or practices external to the agency that may hinder success in equal employment opportunity and affirmative action.

**95.4(2) Quantitative goals.** The agency will develop numerical goals and timetables for reduction of underrepresentation in each major job category where it has been identified. These goals are not rigid and inflexible quotas, but reasonable aspirations toward correcting imbalance in the agency's work force. A goal shall not cause any group of applicants to be excluded from the hiring process. When setting numerical goals, agencies will take into consideration the following:

- a.* The numbers and percentages from the work force analysis conducted pursuant to subrule 95.4(1);
- b.* The number of short- and long-term projected vacancies in the job category, considering turnover, layoffs, lateral transfers, new job openings, and retirements;
- c.* The availability of qualified or qualifiable persons from underrepresented racial/ethnic, gender and disability categories within the relevant labor market;
- d.* The makeup of the student population served by racial/ethnic origin, gender and disability;
- e.* The makeup of the population served by racial/ethnic origin, gender and disability;

*f.* The makeup of the population of the metropolitan statistical area, when applicable, by racial/ethnic origin, gender, and disability.

**95.4(3) *Qualitative goals.*** The agency will develop qualitative goals, activities and timetables which specify the appropriate actions and time frames in which problem areas identified during the qualitative analysis are targeted and remedied. In setting qualitative goals and planning actions, the agency may consider, but need not be limited to, the following:

- a.* Broadening or targeting recruitment efforts;
- b.* Evaluating and validating criteria and instruments used in selecting applicants for interviews, employment, and promotion;
- c.* Providing equal employment opportunity, affirmative action, and intergroup relations training for employees of the agency;
- d.* Developing a system of accountability for implementing the agency's plan;
- e.* Developing and implementing an employee assistance and mentoring program;
- f.* Establishing a work climate that is sensitive to diverse racial/ethnic groups, both women and men and persons with disabilities;
- g.* Negotiating the revision of collective bargaining agreements to facilitate equal employment opportunity and affirmative action.

**95.4(4) *Absence of minority base.*** Agencies with no minority students enrolled or no minority employees shall develop goals and timetables for recruiting and hiring persons of minority racial/ethnic origin when those persons are available within the relevant labor market.

**95.4(5) *Consolidation.*** An agency may consolidate racial/ethnic minorities and job categories into broader groupings in conducting analyses under this chapter when its size or number of employees makes more specific categories impractical.

[ARC 7430C, IAB 12/27/23, effective 1/31/24]

**281—95.5(19B) *Dissemination.*** Each agency will adopt an internal and external system for disseminating its equal employment opportunity and affirmative action policies and plans.

**95.5(1) *Plan distribution.*** An agency will annually distribute its policies and plans to agency employees involved in the hiring or management of personnel, and the agency will make the policies and plans available to other agency employees, the public and the director of education upon request.

**95.5(2) *Policy statement distribution.*** An agency will distribute its policy statement to all applicants for employment, and the agency will distribute the policy statement annually to employees, students, parents, and recruitment sources.

[ARC 7430C, IAB 12/27/23, effective 1/31/24]

**281—95.6(19B) *Reports.*** Each agency will submit an annual progress report on equal employment opportunity and affirmative action to its local board of directors. Each agency will submit its annual progress report under this chapter to the department by December 31 of each year. The report is a part of the basic educational data collection system administered by the department.

[ARC 7430C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code section 19B.11.

[Filed 10/26/89, Notice 5/17/89—published 11/15/89, effective 12/20/89]

[Filed 4/15/94, Notice 3/2/94—published 5/11/94, effective 6/15/94]

[Filed ARC 7430C (Notice ARC 7098C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]





## CHAPTER 99 BUSINESS PROCEDURES AND DEADLINES

### 281—99.1(257) Definitions.

*“Area education agency”* or *“AEA”* means a school corporation organized under Iowa Code chapter 273.

*“Basis of accounting”* means the accrual/modified accrual accounting basis under generally accepted accounting principles (GAAP) as defined by the governmental accounting standards board (GASB) as of October 4, 2023.

*“Basis of budgeting”* means the accrual/modified accrual budgeting basis under GAAP as defined by the GASB as of October 4, 2023.

*“SBRC”* means the school budget review committee appointed pursuant to Iowa Code section 257.30.

*“School district”* means a school corporation organized under Iowa Code chapter 274.

*“Unique”* means highly unusual, extraordinary; unparalleled.

*“Unusual”* means not usual or common; rare; constituting or occurring as an exception; not ordinary or average.

*“Usual”* means that which past experience has shown to be normal or common or is anticipated to become normal or common, hence an expected or predictable event.

[ARC 7417C, IAB 12/27/23, effective 1/31/24]

**281—99.2(256,257,285,291) Submission deadlines.** It is the responsibility of the administrative officials and board members to submit information and materials as requested by the department of education, department of management, any other state agency, or any federal agency. Reports shall be filed electronically if an electronic format is available.

**99.2(1)** All school districts will submit program plans, reports, or data collections in the manner, by the procedures, and on the dates set by statute or by the department of education. Plans, reports, and data collections will include the following:

Vehicle Information System	September 1
Annual Transportation Report	September 15
Certified Annual Report (CAR-COA)	September 15
Special Education Supplement	September 15
Facilities, Elections & Save Report	September 30
Certified Enrollment Report/PEACE	October 15
Certified Supplementary Weighting Report	October 15
School Board Officers Report	November 1
Annual Audit Report	March 31
Certified Budget	April 15

**99.2(2)** All AEAs will submit program plans, reports, or data collections in the manner, by the procedures, and on the dates set by statute or by the department of education. Plans, reports, and data collections will include the following:

Certified Annual Report (CAR-COA)	September 15
Facilities Report	September 30
Certified Supplementary Weighting Report	October 15
School Board Officers Report	November 1
Proposed Budget	March 15
Annual Audit Report	March 31

**99.2(3)** If any plan, report, or data collection has not been received by the due date of the form or by the due date of a valid extension granted by the department of education, the following procedure will apply:

*a.* The superintendent of the school district or the administrator of the area education agency, and the president of the applicable board, will be notified of the unfiled report and the number of days it is past due.

*b.* The state board of education, the SBRC, or the Iowa board of educational examiners may be notified of the school districts or AEAs that were not timely in filing one or more reports.

*c.* The SBRC may implement the procedures described in 289—subrule 6.3(5).  
[ARC 7417C, IAB 12/27/23, effective 1/31/24]

**281—99.3(257) Good cause for late submission.**

**99.3(1)** The department of education may, upon request, allow a school district or AEA to submit reports, data collections, or program plans after the due dates listed in rule 281—99.2(256,257,285,291) for good cause.

*a.* Good cause includes illness or death of a school district or AEA staff member involved in developing the program plan or submitting the report or data collection; acts of God; technological problems at the department lasting at least seven days within the final two weeks prior to the deadline that prevent access necessary for the plan, report, or data collection submission; or unforeseeable unusual or unique circumstances, which, in the opinion of the director of the department, constitute sufficient cause for allowing submission of program plans, reports, or data collections after the published due date.

*b.* Good cause does not include consequences of local time management or administrative decisions or when districts and AEAs have timed out or have encountered system overloads within the final three days before the due date.

**99.3(2)** A school district or AEA requesting permission to submit a program plan, report, or data collection after the published due date will notify the department staff member responsible for receiving the plan, report, or data collection as soon as possible upon determining that the district or AEA will not be able to meet the deadline, but no sooner than two weeks prior to the due date and no later than two days prior to the due date. When an extension of the submission deadline is allowed, the department will establish a date by which the school district or AEA will submit the plan, report, or data collection. Permission to submit a program plan, report, or data collection after the published due date expires upon receipt of the submission by the department and does not carry over into subsequent application or reporting cycles.

[ARC 7417C, IAB 12/27/23, effective 1/31/24]

**281—99.4(24,256,257,291) Budgets, accounting, and reporting.** The school district or AEA will budget on the GAAP basis of budgeting. School districts and AEAs will use the chart of accounts defined in the Uniform Financial Accounting Manual for Iowa LEAs and AEAs (UFA manual). The school district or AEA will maintain its financial records and prepare financial reports, including the Certified Annual Report, in the manner and by the procedures set by the departments of education and management in the UFA manual and GAAP. School districts and AEAs will use the chart of accounts defined in the UFA manual. The UFA manual is based on the Financial Accounting for Local and State School Systems published by the United States Department of Education, as of October 4, 2023. If GAAP permits a choice of reporting methods for transactions, or if GAAP conflicts with the UFA

manual, the department of education staff will determine a uniform method of reporting to be used by all school districts and AEAs.

[ARC 7417C, IAB 12/27/23, effective 1/31/24]

These rules are intended to implement Iowa Code chapters 24, 256, 257, 285 and 291.

[Filed ARC 0013C (Notice ARC 9916B, IAB 12/14/11), IAB 2/22/12, effective 3/28/12]<sup>1</sup>

[Editorial change: IAC Supplement 3/21/12]

[Filed ARC 7417C (Notice ARC 7099C, IAB 10/4/23), IAB 12/27/23, effective 1/31/24]

<sup>1</sup> March 28, 2012, effective date of Chapter 99 delayed 30 days by the Administrative Rules Review Committee at its meeting held March 12, 2012.